



# महाराष्ट्र शासन राजपत्र

## भाग एक-ल

वर्ष २, अंक १०]

गुरुवार ते बुधवार, मार्च १०-१६, २०१६/पौष २०-२६, शके १९३७

[पृष्ठ ४०, किंमत : रुपये २३.००

### प्राधिकृत प्रकाशन

(केंद्रीय) औद्योगिक विवाद अधिनियम व मुंबई औद्योगिक संबंध अधिनियम यांखालील  
(भाग एक, चार-अ, चार-ब आणि चार-क यांमध्ये प्रसिद्ध केलेल्या अधिसूचना, आदेश व निवाडे यांव्यतिरिक्त)  
अधिसूचना, आदेश व निवाडे.

#### औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्रीमती. एस. वि. फत्तापुरे, सहाय्यक प्रबंधक, औद्योगिक न्यायालय, पुणे यांचा दिनांक १० जून २००८ रोजीचा अर्ज.

#### रजा मंजूरी आदेश

क्रमांक ३०५९.—श्रीमती. एस. वि. फत्तापुरे, सहाय्यक प्रबंधक, औद्योगिक न्यायालय, पुणे यांना त्यांचा दिनांक १० जून २००८ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक ५ जून २००८ ते ९ जून २००८ पर्यंत (दोन्ही दिवस धरून) एकूण ५ दिवसांची अर्जित रजा, मंजूर करण्यात येत आहे.

श्रीमती. एस. वि. फत्तापुरे, ह्या रजेवर गेल्या नसल्या तर त्यांची सहाय्यक प्रबंधक, औद्योगिक न्यायालय, पुणे या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्रीमती. एस. वि. फत्तापुरे, ह्या सहाय्यक प्रबंधक, औद्योगिक न्यायालय, पुणे या पदावर स्थानापन्न होतील.

आदेशावरून,

के. जी. साठे,

प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ३० जून २००८.

#### औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. डि. जी. डाके, सहाय्यक प्रबंधक, औद्योगिक न्यायालय, जळगांव यांचा दिनांक ४ जून २००८ रोजीचा अर्ज.

#### रजा मंजूरी आदेश

क्रमांक ३०६१.—श्री. डि. जी. डाके, सहाय्यक प्रबंधक, औद्योगिक न्यायालय, जळगांव यांना त्यांचा दिनांक ४ जून २००८ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक ५ जून २००८ ते ७ जून २००८ पर्यंत (दोन्ही दिवस धरून) एकूण ३ दिवसांची अर्जित रजा, रजेच्या पुढे दिनांक ८ जून २००८ हा सुट्टीचा दिवस जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात येत आहे.

श्री. डि. जी. डाके, हे रजेवर गेले नसते तर त्यांची सहाय्यक प्रबंधक, औद्योगिक न्यायालय, जळगांव या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. डि. जी. डाके, हे सहाय्यक प्रबंधक, औद्योगिक न्यायालय, जळगांव या पदावर स्थानापन्न होतील.

आदेशावरून,

के. जी. साठे,

प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ३० जून २००८.

**औद्योगिक न्यायालय, महाराष्ट्र, मुंबई**

**वाचा.—**श्री. डी. के. मुल्ला, न्यायाधीश, कामगार न्यायालय, यवतमाळ यांचा दिनांक ७ जून २००८ रोजीचा अर्ज.

**रजा मंजूरी आदेश**

क्रमांक ३०६२.—श्री. डी. के. मुल्ला, न्यायाधीश, कामगार न्यायालय, यवतमाळ यांना त्यांचा दिनांक ७ जून २००८ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक ९ जून २००८ ते १३ जून २००८ पर्यंत (दोन्ही दिवस धरून) एकूण ५ दिवसांची अर्जित रजा, रजेच्या मागे दिनांक ८ जून २००८ व रजेच्या पुढे दिनांक १४ जून २००८ व १५ जून २००८ हे सुट्ट्यांचे दिवस जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात येत आहे.

श्री. डी. के. मुल्ला, हे रजेवर गेले नसते तर त्यांची न्यायाधीश, कामगार न्यायालय, यवतमाळ या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. डी. के. मुल्ला, हे न्यायाधीश, कामगार न्यायालय, यवतमाळ या पदावर स्थानापन्न होतील.

आदेशावरून,

**के. जी. साठे,**

प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ३० जून २००८.

**औद्योगिक न्यायालय, महाराष्ट्र, मुंबई**

**वाचा.—**श्री. ए. एम. खान, न्यायाधीश, कामगार न्यायालय, गोंदिया यांचा दिनांक ११ जून २००८ रोजीचा अर्ज.

**रजा मंजूरी आदेश**

क्रमांक ३०६३.—श्री. ए. एम. खान, न्यायाधीश, कामगार न्यायालय, गोंदिया यांचा दिनांक ११ जून २००८ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक २३ जून २००८ ते २७ जून २००८ पर्यंत (दोन्ही दिवस धरून) एकूण ५ दिवसांची अर्जित रजा, रजेच्या मागे दिनांक २२ जून २००८ व रजेच्या पुढे दिनांक २८ जून २००८ व २९ जून २००८ हे सुट्ट्यांचे दिवस जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात येत आहे.

श्री. ए. एम. खान, हे रजेवर गेले नसते तर त्यांची न्यायाधीश, कामगार न्यायालय, गोंदिया या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. ए. एम. खान, हे न्यायाधीश, कामगार न्यायालय, गोंदिया या पदावर स्थानापन्न होतील.

आदेशावरून,

**कृ. ग. साठे,**

प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ३० जून २००८.

**औद्योगिक न्यायालय, महाराष्ट्र, मुंबई**

**वाचा.—**श्री. डी. बी. उन्हाळे, सचिव, कामगार न्यायालय, मुंबई यांचा दिनांक १८ जून २००८ रोजीचा अर्ज.

**रजा मंजूरी आदेश**

क्रमांक ३०६४.—श्री. डी. बी. उन्हाळे, सचिव, कामगार न्यायालय, मुंबई यांना त्यांचा दिनांक १८ जून २००८ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक १९ जून २००८ ते २१ जून २००८ या ३ दिवसांची अर्जित रजा, रजेच्या पुढे दिनांक २२ जून २००८ ची सुट्टी जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात येत आहे.

श्री. डी. बी. उन्हाळे, हे रजेवर गेले नसते तर त्यांची सचिव, कामगार न्यायालय, मुंबई या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. डी. बी. उन्हाळे, हे सचिव, कामगार न्यायालय, मुंबई या पदावर स्थानापन्न होतील.

आदेशावरून,

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प्रबंधक,

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मुंबई,

दिनांक ३० जून २००८.

**औद्योगिक न्यायालय, महाराष्ट्र, मुंबई**

**वाचा.—**श्री. एम. पी. वैद्य, सहाय्यक प्रबंधक, औद्योगिक न्यायालय, पुणे यांचा दिनांक १० जून २००८ रोजीचा अर्ज.

**रजा मंजूरी आदेश**

क्रमांक ३०६५.—श्री. एम. पी. वैद्य, सहाय्यक प्रबंधक, औद्योगिक न्यायालय, पुणे यांना त्यांच्या दिनांक १० जून २००८ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक १६ जून २००८ ते २५ जून २००८ पर्यंत (दोन्ही दिवस धरून) एकूण १० दिवसांची अर्जित रजा, रजेच्या मागे दिनांक १४ जून २००८ व १५ जून २००८ हे सुट्ट्यांचे दिवस जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात येत आहे.

श्री. एम. पी. वैद्य, हे रजेवर गेले नसते तर त्यांची सहाय्यक प्रबंधक, औद्योगिक न्यायालय, पुणे या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती. रजेचा उपरोक्त कालावधी संपल्यावर श्री. एम. पी. वैद्य, हे सहाय्यक प्रबंधक, औद्योगिक न्यायालय, पुणे या पदावर स्थानापन्न होतील.

आदेशावरून,

**के. जी. साठे,**

प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ३० जून २००८.

**औद्योगिक न्यायालय, महाराष्ट्र, मुंबई**

**वाचा.—**श्री. आय. आर. परदेशी, प्रबंधक, श्रमिक भरपाई आयुक्त कार्यालय, मुंबई यांचा दिनांक ७ जून २००८ रोजीचा अर्ज.

**रजा मंजूरी आदेश**

क्रमांक ३०६६.—श्री. आय. आर. परदेशी, प्रबंधक, श्रमिक भरपाई आयुक्त कार्यालय, मुंबई यांना त्यांच्या दिनांक ७ जून २००८ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक १६ जून २००८ ते २१ जून २००८ पर्यंत (दोन्ही दिवस धरून) एकूण ६ दिवसांची अर्जित रजा, रजेच्या मागे दिनांक १४ जून २००८ व १५ जून २००८ व रजेच्या पुढे दिनांक २२ जून २००८ हे सुट्ट्यांचे दिवस जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात येत आहे.

श्री. आय. आर. परदेशी, हे रजेवर गेले नसते तर त्यांची प्रबंधक, श्रमिक भरपाई आयुक्त कार्यालय, मुंबई या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. आय. आर. परदेशी, हे प्रबंधक, श्रमिक भरपाई आयुक्त कार्यालय, मुंबई या पदावर स्थानापन्न होतील.

आदेशावरून,

**के. जी. साठे,**

प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ३० जून २००८.

**औद्योगिक न्यायालय, महाराष्ट्र, मुंबई**

**वाचा.—**श्रीमती. एस. जे. साठे, सहाय्यक प्रबंधक, औद्योगिक न्यायालय, मुंबई यांचा दिनांक १६ जून २००८ रोजीचा अर्ज.

**रजा मंजूरी आदेश**

क्रमांक ३०६७.—श्रीमती. एस. जे. साठे, सहाय्यक प्रबंधक, औद्योगिक न्यायालय, मुंबई यांना त्यांच्या दिनांक १६ जून २००८ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक २ जून २००८ ते १३ जून २००८ पर्यंत (दोन्ही दिवस धरून) एकूण १२ दिवसांची अर्जित रजा, रजेच्या मागे दिनांक १ जून २००८ व रजेच्या पुढे दिनांक १४ जून २००८ व १५ जून २००८ हे सुट्ट्यांचे दिवस जोडून मंजूर करण्यात येत आहे.

श्रीमती. एस. जे. साठे, ह्या रजेवर गेल्या नसल्या तर त्यांची सहाय्यक प्रबंधक, औद्योगिक न्यायालय, मुंबई या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्रीमती. एस. जे. साठे, ह्या सहाय्यक प्रबंधक, औद्योगिक न्यायालय, मुंबई या पदावर स्थानापन्न होतील.

आदेशावरून,

**के. जी. साठे,**

प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ३० जून २००८.

**ADDITIONAL COMMISSIONER OF LABOUR, NAGPUR**

Civil Lines, Nagpur, dated the 2nd December 2003

**NOTIFICATION**

No. ALC/ADJ/PUB/IT/Nag./32/04.— In pursuance of section 17 of the Industrial dispute Act. 1947 (XIV of 1947) read with Government Notification, Industry, Energy and Labour Department No. IDA/2002/5686/(2882) Lab-3, Dated 19th August 2003. The additional Commissioner of Labour Nagpur hereby pulished the Enclosed Award of the Industrial Court Nagpur refere for adjudication by the Additional Commissioner of labour Nagpur in reference IT/5/79305 in the Industrial Disput between M/s. Engineering W-49 Hingna Road, Nagpur, and Its Employees, Working under it.

BEFORE THE INDUSTRIAL COURT, MAHARASHTRA  
(NAGPUR BENCH), NAGPUR

REFERENCE (BIR) No. 5 OF 1995.—M/s. L. K. Engineering W-49, Hingna Road, Nagpur, *Party No. 1, -versus-* It's Employees. *Party No. 2.*

In the matter of reference under section 73 of the Bombay Industrial Relations Act., 1946.

CORUM : Shri S. S. Hirurkar, B.Com.,LL.B., Member

*Appearances* : Mr. S. W. Ghate and Mr. S. S. Ghate, Advocate for Party No. 1 (Absent).

Mr. M. V. Mohokar, Advocate for Party No. 2 (Absent)

**Award**

(Passed on 16th October 2004)

This reference is adjudicated to this Court by Industries, Energy and Labour Department, Government of Maharashtra *Vide* letter dated 1st December 1995 regarding six demands mentioned in Schedule of demands raised by the employees of M/s. L. K. Engineering, W-49, Hingna Road, Nagpur.

2. After the Reference was adjudicated to this Court the notices were issued to both the parties. The Party No. 2 has filed statement of Claim on 27th September 2002 below Ex. 19. Thereafter the case was adjourned for written statement of the Party No. 1 but inspite of the various opportunities given to the Party No. 1 written statement was not filed hence by order dated 8th June 2004 this court was constrained to proceed no written statement against the Party No. 1 management. Thereafter the matter was fixed for evidence of the Party No. 2. But the Party No. 2 has not adduced any oral evidence. So also has not filed any documents in support of its demands. Therefore, instead of dismissing the Reference in default it was adjourned for argument. Even on the date of argument both the parties remained absent. Hence the case was fixed for order/award. Since there is no evidence adduced by the Party No. 2 workers in support of their demande and the same are not explained how the said demands are justified. I am not inclined to grant the demands of the Party No. 2, workers. Hence I proceed to pass the award as follows :—

**Award**

(i) The Referance stands dismissed.

(ii) No order as to costs.

Nagpur,  
Dated the 16th October 2004.

S. S. HIRURKAR,  
Member,  
Industrial Court, Nagpur.

Additional Commissioner of labour,  
Nagpur.

**ADDITIONAL COMMISSIONER OF LABOUR, NAGPUR**

Civil Lines, Nagpur, dated the 2nd December 2003

**NOTIFICATION**

No. ALC/ADJ/PUB/IT/Nag./30/04.—In pursuance of section 17 of the Industrial dispute Act, 1947 (XIV of 1947) read with Government Notification, Industry, Energy and Labour Department No. IDA/2002/5686/(2882) Lab-3, dated 19th August 2003. The additional Commissioner of labour Nagpur hereby publishes the Enclosed Award of the Industrial Court, Nagpur referred for adjudication by the Additional Commissioner of Labour Nagpur in reference IT/8/97 in the Industrial Disput between M/s. The Divisional Controller, M.S.R.T.C. Nagpur, and Divisional Secretary, Maharashtra Parivahan Mazdoor Union, Nagpur.

BEFORE V. G. KHARE, B.SC., LL.B.,

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, NAGPUR

REFERENCE (IT) No. 8 OF 1997.—Adjudication between The Divisional Controller, Maharashtra State Road Transport Corporation, Divisional Officer, Station Road, Nagpur.— *Parti No. 1, And Its Workman, C/o. Divisional Secretary, Maharashtra Parivahan Mazdoor Union, C/o. Adv. D. D. Choube, Tilak Statue, Mahal, Nagpur— Parti No. 2.*

**IN THE MATTER OF REFERENCE UNDER SECTION  
12(5) OF THE INDUSTRIAL DISPUTES ACT, 1947.**

*Advocates.*—Shri P. N. Khadgi for the Party No. 1.

None for the Party No. 2.

**Award**

(Passed on 24th September 2004)

Having considered the failure report submitted by the Conciliation officer, the Government of Maharashtra in exercise of its powers under Section 12(5) of the Industrial Disputes Act referred the matter to this Court for adjudication in regard to the dispute between Maharashtra State Road Transport Corporation, Nagpur and its workman. The dispute as detailed in the schedule of this reference is as follows :—

“ The punishment order No. 1037 dated 31st October 1992 reduction of pay by three stages and suspension order No. 31 dated 21st August 1991 in respect of Shri B. H. Shende Cashier should be quashed and his pay should be restored and further he should be paid full wages for the period of suspension.”

2. In response to the notice the parties appeared before this Tribunal. The Party No. 2 union submitted its statement of claim in respect of the dispute. Advocate Khadgi is present for the Party No. 1. However, there is no written statement from the Party No. 1. As a result of it the reference already proceeded without written statement of the Party No. 1.

3. Non for the Party No. 2. The Party No. 2 failed to adduce evidence in support of the claim. As a result of it there is no evidence in support of the claim so putforth by the Party No. 2. With the result, nothing is on record to allow the claim as prayed for. Hence the claim is rejected for want of evidence.

Nagpur,  
Dated the 24th September 2004.

V. G. KHARE,  
Presiding Officer,  
Industrial Tribunal, Nagpur.

Additional Commissioner of Labour,  
Nagpur.

**ADDITIONAL COMMISSIONER OF LABOUR, NAGPUR**

Civil Lines, Nagpur, dated the 8th December 2003

**NOTIFICATION**

No. ALC/ADJ/PUB/IT/Nag./31/04.—In pursuance of section 17 of the Industrial Dispute Act., 1947 (XIV of 1947) read with Government Notification, Industry, Energy and Labour Department No. IDA/2002/5686/(2882) Lab-3, dated 19th August 2003. The Additional Commissioner of Labour, Nagpur hereby publishes the Enclosed Award of the Industrial Court, Nagpur referred for Adjudication by the Additional Commissioner of Labour, Nagpur in reference IT/7/97 in the Industrial Disput between M/s. The Divisional Controlar, M.S.R.T.C. Nagpur, and Divisional Secretary, Maharashtra Parivahan Mazdoor Union, Nagpur.

BEFORE V. G. KHARE, B.SC., LL.B.,

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, NAGPUR

REFERENCE (IT) No. 7 OF 1997.—Adjudication between The Divisional Controler, Maharashtra State Road Transport Corporation, Divisional Officer, Station Road, Nagpur.— *Parti No. 1, Versus* Its Workman, Divisional Secretary, Maharashtra Parivahan Mazdoor Union, C/o. Adv. D. D. Choube, Tilak Statue, Mahal, Nagpur.— *Pary No. 2.*

IN THE MATTER OF REFERENCE UNDER SECTION  
12(5) OF THE INDUSTRIAL DISPUTES ACT, 1947.

*Advocates* : Shri P. N. Khadgi for the Party No. 1.

None for the Party No. 2.

**Award**

(Passed on 24th September 2004)

Having considered the failure report submitted by the Concilation officer, the Government of Maharashtra in exercise of its powers under Section 12(5) of the Industrial Disputes Act referred the matter to this Court for adjudication in regard to the dispute between Maharashtra State Road Transport Corporation, Sitabuldi, Nagpur and its workman. The dispute as detailed in the schedule of this reference is as follows :—

“The punishment order No. 137 dated 30th November 1987 of stoppage of increments of Shri Shukla for two years with cumulative effect be withdrawn and his pay be restored.”

2. In response to the notice the parties appeared before this Tribunal. The Party No. 2 union submitted its statement of claim in respect of the dispute. Advocate Khadgi is present for the Party No. 1. However, there is no written statement from the Party No. 1. As a result of it the reference already proceeded without reply of Party No. 1.

3. None for the Party No. 2. The Party No. 2 failed to adduce evidence in support of the calim. As a result of it there is no evidence in support of the claim so putforth by the Party No. 2. With the result, nothing is on record to allow the claim as prayed for. Hence the claim is rejected for want of evidence.

Nagpur,  
Dated the 24th September 2004.

V. G. KHARE,  
Presiding Officer,  
Industrial Tribunal, Nagpur.

Additional Commissioner of Labour,  
Nagpur.

**ADDITIONAL COMMISSIONER OF LABOUR, NAGPUR**

Civil Lines, Nagpur, dated 8th December 2003

**NOTIFICATION**

No. ALC/ ADJ/ PUB/ IT/ Nag/33/04.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (XIV of 1947) read with Government Notification, Industry, Energy and Labour Department, No. IDA/2002/ 5686/ (2882) Lab-3, dated 19th August 2003. The Additional Commissioner of Labour, Nagpur hereby publishes the Enclosed Award of the Industrial Court, Nagpur referred for adjudication by the Additional Commissioner of Labour, Nagpur, in reference IT/5/02 in the Industrial Dispute between M/s Jog Rubber Product Pvt.Ltd. Nagpur and Bhartiya Audhyogic V/s Sarwasadharan Mazdoor Sangh, Nagpur.

BEFORE THE INDUSTRIAL TRIBUNAL, NAGPUR

PRESIDED BY SHRI D. H. DESHMUKH, B.A., M. COM,

L.L.B.,D.B.M.,M.I.R.P.M.

REFERENCE (IT) No. 5/02.—Adjudication between M/s Jog Rubber Products Pvt. Ltd., Jog Wadi, Prashant Nagar, Wardha Road, Nagpur.— *Party No.1—And* Bhartiya Audhyogic V/s Sarwasadharan Mazdoor Sangh, Branch : Jog Rubber Products Pvt. Ltd. (Affiliated with Bhartiya Mazdoor Sangh) Behind Apna Bhandar, Sitabuldi, Nagpur—*Party No. 2.*

**IN THE MATTER OF REFERENCE UNDER SECTION 12(5)  
OF THE INDUSTRIAL DISPUTES ACT, 1947.**

*Appearances*— None for Party No.1.

Shri Zinjarde, Advocate for Party No.2.

**Award**

(Passed on 3rd July 2004.)

This is a reference made by Commissioner of Labour, Mumbai for adjudication of Industrial Disputes between M/S Jog Rubber Products Pvt. Ltd., Nagpur (The First Party) and Bhartiya Audhyogic V/s Sarwasadharan Mazdoor Sangh, Nagpur (The Second Party).

2. According to the statement of claim submitted by the Second Party Union at Exh. 8, the said Union had raised certain demands by Charter dated 20th December 2000, but the First Party didnot accede to the demands, and after failure of the conciliation, the matter came to be referred to this tribunal for adjudication. In the statement of claim, the union has re-produced 12 demands made originally. The demands can be briefly stated in the following words :—

(i) Notice of change before starting third shift was not given, which amounted to illegal change in regard to the matters enumerated in schedule II to the Industrial Disputes Act. It appears that the Second Party wants the First Party to repeat such actions.

(ii) Arrears of minimum wages to employees both present as well as past.

(iii) *Benefits of leave* :— The respondent despite assurance at the time of appointment has failed to give the benefit of leaves. Having regard to the statutory provisions, the employees are entitled to 15 days casual leave, 30 days medical leave, and earned leave at the rate of one for twenty days work. The Second Party also claimed holidays on certain festival days including 2nd Octomber. The leave benefit is also claimed for those, who had served for first party in the past and who were retrenched / resigned.

(iv) *Uniform and shoes.*— considering the production of rubber powder settling on the cloths and the face of the employees. It could cause disease. It is, therefore, necessary to install high power exhaust fan and supply to the employees uniforms, caps, and masks. The employees also need to be paid washing allowance of Rs. 50 per month. Further a pair of shoes should be provided every year for use during duty. The second party has also contended that there will be adequate space for rest, and changing cloths and also illumination of good quality.

(v) Payment of over time allowance is not made, and therefore, such payment should be made according to the Factories Act, and the workers should be given allowance of Rs. 2 per day towards making attendance.

(vi) House rent allowance to be paid as per the Act.

(vii) Incentive of Rs. 50 per month be given to the employees, whose attendance is 100% and who completes the work in schedule. Further having regard to inflation of annual rise of Rs 500 should be given in wages.

(viii) *Bonus*.— Diwali bonus of 2000 has not been paid, and therefore, the bonus should be paid for the period from 2000 onwards.

(ix) *Loading and unloading allowance*.— The employees are sometimes required to perform the work of loading and unloading the material in the truck. The employees are entitled to special allowance for doing that work @ Rs. 100 per day.

(x) *Identity cards*.— Identity cards at the cost of First Party is a must. Besides, salary slip should also be given to the employees regularly.

(xi) *Repayment of deducted wages*.— The employees were marked absent in November, 2000, Infact the employees were restrained by the First Party from resuming duties. The employees should, therefore, be treated as on duty, and paid wages.

(xii) *Hand loan*.— Bicycle is necessary for attending duty. The First Party should give hand loan equivalent to the 75% of the cost of the bicycle to the employees for purchase of the bicycle. The same should be deducted from the wages of the employees at the rate of Rs. 50 per month.

3. The Second Party has contended that the fulfillment of the demands is necessary for strengthening the healthy relationship, and the demands even made after considering the financial condition, and the implication. The demands are stated to be fully justified. The Second Party has requested for passing of appropriate award in its favour.

4. The First Party was noticed, but it failed to appear, and therefore, my learned predecessor had ordered to proceed *ex-parte* against the First Party. The Second Party has submitted affidavits. and its learned counsel Mr. Zinjarde had argued about whole matter. The averment in the statement of the claim are uncontrovered and the two affidavits Exh. 11 & 12 Submitted with permission of the court by way of evidence are totally unchallenged, and unrebutted, as there is no evidence adduced by the First Party.

5. The second party has made as many as 12 demands in the statement of claim. The conciliation papers indicate that the first party was prepared to accept few demands either fully or partly. It appears that the Commissioner of Labour considered the material before him, and referred for adjudication demand Nos. 3 to 12 only. This Tribunal cannot adjudicate any demand, which is not referred to it. I am, therefore, inclined to consider only those demands, which have been referred by the Commissioner of Labour. Mr. Zinjarde, the learned counsel had submitted that all the employees on whose behalf the demands have been raised are operators working in the Labour category. The basic wage is never revised. Therefore, considering overall inflation and the trends in the other industry, annual rise in wages has to be given, and according to the learned counsel the wages should be increased every year by Rs. 500. It was also argued that the first party is engaged in activities in which rubber powder causes pollution. The first party industry according to the learned counsel is the one of its kind in the area, and there is no comparable industry in the region. The learned counsel submitted that monthly salary should be raised by Rs. 4.166 or such higher amount so as to enable the employee to earn additional Rs. 500 per year. The learned counsel also pressed the other demands, and submitted about its justification. Having considered all the aspects, I give my findings demand wide.—

(i) *Demand No. 3 in schedule*.— The employees want 15 days casual leave in a year and earned leave for 18 days in a year. There should be a facility of encashment of earned leave at the year end. The benefit of leave is claimed from the date of appointment. Then the employees have claimed holidays on certain festival days. In regard to this demand, I find that the casual leave for 15 days in a year would be little on the higher side. Casual Leave should be 12 days in a year. Similarly, leave and the benefits arising out of leave namely encashment should be granted to the workers w.e.f. the date of making demands i.e. 20th December 2000. The claim of holidays on festival days also appears to be justified. As far as the encashment of leave is concerned, there has to be some restriction on encashment as well as accumulation of leave. The earned leave of not more than 30 days could be encashed in a year. The leave could be accumulated upto the limit of 300, and thereafter, it shall lapse.

(ii) *Demand No. 4*.— The claim is about provision of some space for changing cloths and dress, installation of power full exhaust fans and adequate electric lamp, and washing allowance of Rs. 500 per month. The benefits claimed appear to be reasonable except the washing allowance amount, which shall be Rs. 25 per month.

(iii) *Demand No.5*.— The demand No. 5 as given in the schedule appears to be payment for meal, and attendance of Rs. 2 per day. In the statement of claim, however, the second party has claimed overtime allowance as well as attendance allowance in the said demand No. 5.



No justification is shown for the demand relating to meal as mentioned in the schedule, and therefore, the said demand is rejected. The demand for payment of attendance allowance for marking attendance also does not appear to be reasonable, and, therefore I am not inclined to grant the same.

(iv) *Demand No.6.*— The claim is about house rent allowance at the rate of 20% of the wages. In the statement of claim, the second party has made the claim under the provision of House Rent Allowance Act. The Maharashtra workmens Minimum House Rent Allowance Act, 1983 is applicable to the parties and the H.R.A. shall be payable according to the provisions of the said act.

(v) *Demand No.7.*—The demand No. 7 is increment of Rs. 500 per year in the basic wages of the employees. In the statement of claim, the second party has also mentioned about an incentive of Rs 50 per month, which cannot be considered since it is not in the schedule. As regards, the increment, the second party has contended that hike of Rs. 500 per year is necessary. In the affidavit Exh. 12, the deponent has stated that although D.A. or special allowance revised from time to time is paid, the basic wages have not been ever raised by the first party. It is stated in the affidavit that the employees should earn additional Rs. 500 per year, and this could be achieved by raising the monthly salary by Rs. 41.66 per month. In my view, if the annual increment of Rs. 42 is granted, the objective will be fulfilled. Rise of Rs. 42 is the minimum that should be allowed by an employer. Accordingly, the first party shall grant to the workers annual increment of Rs. 42 so that in the whole year, worker would get enhanced basic wage of Rs. 500.

(vi) *Demand No. 8.*— Bonus of Rs. 1,000 for the year of 2,000 and for the subsequent period has been claimed, which in the absence of any resistance from the other side, can be accepted as a reasonable demand. Accordingly, first party shall have to pay bonus of Rs. 1,000 from 2,000 onwards during Diwali period.

(vii) *Demand No. 9.*— The second party has submitted that employees are required to perform the manual work of loading and unloading the goods in the truck, and therefore, they should be paid Rs. 1000 per day per employees as and when the said work is done. The employees concerned are stated to be skilled and therefore, ordinarily loading and unloading work should not be given to them. In case such work is allotted and is performed by a worker willingly, then the first party must pay some allowance for such extra work, which, however, cannot be as high as Rs. 100. The reasonable would be Rs. 50 per day per employee.

(viii) *Demand No.10.*— The demand No. 10 is regarding issuance of identity cards, and pay slip and also proper attendance card. The demand is quite reasonable, and according to the requirement of law. The first party, therefore, shall start issuing pay slips, maintenance of proper attendance cards, and also issue identity cards to the employees.

(ix) *Demand No.11.*— The demand No.11 is that in the month of November, 2000, the employees were not allowed to work. They were not paid wages, and therefore, they are entitled to be marked present, and also paid wages. The second party has supported demand in the affidavit, and there is no challenge. Accordingly, first party shall treat the employees as on duty in the month of November, 2000, and shall also pay wages of that month.

(x) *Demand No. 12.*— The demand No. 12 is for grant of loan of 75% of the cost of bicycle for purchase of the bicycle, and recovery there of from the wages @ Rs. 100 per month. The second party, in this regard has contend that the recovery should be @ Rs. 50 per month. The bicycle, atleast, is necessary for transportation. The demand appears to be quite reasonable, and justified. The first party shall accordingly grant to the employees who want to buy a bicycle of general standard quality, the loan. The amount of loan shall be equivalent to the 75% of the cost of the bicycle, recoverable from the monthly wages of the employees @ Rs. 50.

6. Thus, the first party shall grant to the workermen the benefits/facilities as stated herein above against demand No. 3 to 12. The monetary benefits shall be paid w.e.f. date of the charter of demand i.e. 20th December 2000. The award be submitted to the Government.

D. H. DESHMUKH,  
Presiding Officer,  
Industrial Tribunal, Nagpur

Nagpur, Dated 3rd July 2004.

Additional Commissioner of Labour,  
Nagpur.

**ADDITIONAL COMMISSIONER OF LABOUR, NAGPUR**

Civil Lines, Nagpur, dated the 8th December 2003

**NOTIFICATION**

No. ALC/ ADJ/ PUB/ IT/ Nag/34/04.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (XIV of 1947) read with Government Notification, Industry, Energy and Labour Department, No. IDA/2002/ 5686/ (2882) Lab-3, dated 19th August 2003. The Additional Commissioner of Labour, Nagpur hereby publishes the Enclosed Award of the Industrial Court, Nagpur referred for adjudication by the Additional Commissioner of Labours, Nagpur in reference IT/3/01 in the Industrial Dispute between M/s. Zim Laboratories Kalmeshwar. Dist. Nagpur And its workmen.

BEFORE THE INDUSTRIAL COURT, MAHARASHTRA (NAGPUR BENCH), NAGPUR

REFERENCE (ICN) No. 3 of 2001.—Between M/s. Zim Laboratories Ltd.Kalmeshwar, District Nagpur— *Party No.1* And Its Workmen—*Party No.2*

**IN THE MATTER OF REFERENCE UNDER SECTION 73  
OF THE BOMBAY INDUSTRIAL RELATIONS ACT, 1946**

CORUM.— Shri B.A. Shaikh, B.Sc., LL.M., Member.

*Appearances.*— Personnel Officer, Authorised Signatory for Party No.1.  
Shri Rahul Shukla, Adv., for Party No.2.

**Award**

(Passed on 6th November 2004)

This is a reference made by the Government of Maharashtra under Section 73(2) of the Bombay Industrial Relations Act, 1946 to the Arbitration of this court referring the dispute between M/s. Zim Laboratories Ltd. , Kalmeshwar, Dist. Nagpur and its workmen over the demands specified in the schedule to the order of reference.

2. Both the parties to this reference have arrived at compromise and filed a compromise memo at Exh.14 today before this court which has been accepted on due verification. Hence, as per that compromise, the reference is to be disposed of. Hence, the Award.

**Award**

The reference is disposed of in terms of compromise, Exh. 14 which shall form part of this Award. Award is passed accordingly. Publication be accordingly made.

B. A. SHAIKH,  
Member,

Nagpur, dated the 6th November 2004.

Industrial Court, Nagpur.

Additional Commissioner of Labour,  
Nagpur.

**ADDITIONAL COMMISSIONER OF LABOUR, NAGPUR**

Civil Lines, Nagpur, dated the 12th July 2004

**NOTIFICATION**

No. ALC/ADJ/PUB/IT/NAG/16/04.— In pursuance of section 17 of the industrial Dispute Act, 1947 (XIV of 1947) read with Government Notification, Industry, Energy and Labour Department No. IDA/2002/ 5686/ (2882) Lab-3, dated the 19th August 2003. The Additional Commissioner of Labour, Nagpur hereby publishes the Enclosed Award of the Industrial Court, Nagpur referred for adjudication by the Additional Commissioner of Labours, Nagpur in reference IT/3/1996 in the Industrial Dispute between M/s. Nagpur Frogen Food Products, Pvt. Ltd. M.I.D.C., Nagpur and Nagpur Frozen Food Pvt. Ltd. Nagpur Labour Sangh.

BEFORE THE INDUSTRIAL TRIBUNAL, MAHARASHTRA, NAGPUR  
PRESIDED OVER BY SHRI S. S. HIRURKAR, B. COM. LL.B.

REFERENCE (IT) No.3 OF 1996.— Adjudication between M/s. Nagpur Frozen Food Products Private Limited, U-15, MIDC, Hingna Road, Nagpur— *Party No. 1* And It's workmen— *Party No. 2*.  
IN THE MATTER OF REFERENCE UNDER SECTION  
10 (1) (d) OF THE INDUSTRIAL DISPUTES ACT, 1947.

*Appearances.*— Mr. R. B. Puranik, Advocate for Party No. 1.  
Mr. Funde, Advocate for Party No.2. (Absent)

**Award**

(Passed on 10th June 2004)

This Reference is adjudicated to this Tribunal by order dated 15th March 1996 issued by Industries, Energy & Labour Department, Mantralaya, Bombay for deciding the industrial dispute between the parties regarding the general demands as mentioned in Annexure of the Reference.

2. After the Reference was received notices were issued to the parties. Second party workmen through its Union have filed a statement of Claim below Ex.10. The Second party has raised 12 demands as under.— (1) The employees working with the Party No.1 on daily wages and having completed 240 days continuous service should be regular and confirmed in the employment. (2) The employees working under Party No. 1 should be classified as per their qualification, skill and experience and their salary be fixed and enhanced from time to time in accordance with day to day increase in the cost of living. (3) The employees of Party No.1 should be given Bhatta from time to time as per the cost of living and it should be affected by notification and when the workers receive Dearness Allowance, it will create interest in them to work hard and ultimately production will increase. (4) The Party No.1 should pay House Rent to second party workers as per law, as it is very difficult to get the residential house and rent of the residential house has gone very high. (5) The employees should be classified and their salary should be fixed as for years together they do not get any promotion or enhancement in the salary. (6) All the employees of the Party No.1 should get S.T. concession after every three years to the extent of expenses of Rs. 1,500 to enable the the employees to go out for utilising their holidays. (7) The employees should get Travelling Allowance as per their scale from Party No.1 and there should be no discrimination or favouritism while paying travelling allowance. The grant of this demand will lead to harmony amongst the employees and also between the employees and the management. (8) The Party No.2 should be provided accomodation for the office of the Union within the premises of the Party No.1. (9) The Party No.2 should be given paid holidays like Government holidays, Festival holidays and other holidays as are admissible to Government employees. (10) The Party

No.2 claims Rs. 50 per month towards washing Allowance to all the employees. (11) All the employees should get atleast two pairs of cloths to gents and two sarees to ladies workers.(12) The Party No.2 claims benefits admissible under the Factories Act. The Party No.2 has claimed classification and fixation of salary to employees from Party No.1 as per the pay scale according to designation of the employees, such as Accountant, Junior Operator, Superintendent, Supervisor, Chemist, Chief Accountant, Clerk, Cashier, Machine Operator, Fitter, Welder, Electrician, Store-Keeper, Time - Keeper, Peon, Oilman, Helper, Labour etc. and Driver.

3. According to second party Union all the demands raised are legitimate, genuine and justified. Therefore, the same should be accepted.

4. The first party management has filed written statement below Ex.10 and strongly opposed for granting the demands as raised in the Reference. The first party management has raised the objection that second party union has no right or *locus-standi* to represent the employees working in the establishment of the Party No.1 because not a single employee presently working in the establishment is a member of Party No. 2 union. Hence, Reference is not maintainable, therefore liable to be answered in the negative.

5. As regards the demands the first party management has submitted that Party No.2 which has no membership amongst the employees of the Party No.1 unnecessarily took-up the matter in conciliation proceeding and Party No.2 is not even aware about the service conditions existing in Party No.1 management. The Party No.1 does not have in its employment any employee who are working as temporary or casual employees. All the employees at present working with the Party No.1 have been made permanent and permanent employees are having their service conditions and they have been regularised and confirmed in the employment. All the employees working with Party No.1 are given total 14 paid holidays and 9 days casual leave. All the employees working with Party No.1 are given paid leave according to the provisions of Factories Act. The employees are also given monetary benefits such as P.F., Bonus, E.S.I.C. They are also given allowances like H.R.A., Conveyance allowance or cost of petrol. Therefore, demand No. 1 is totally misconceived and it is made without examining the service conditions of the employees.

6. The demand made for classification of the employees is misconceived. The provisions of Minimum Wages Act are applicable to the establishment of Party No.1. That for the purpose of paying the minimum wages the employees have been already classified into skilled, Semi-skilled and Unskilled category and all the employees, are paid salary as per their designation. Thus, it is evident that there is already classification of the employees, hence demand needs to be rejected.

7. The demand No.3 for Bhatta as per cost of living is equally misconceived and hence opposed. It is submitted that none of the industry existing in the region give any Bhatta to their employees. All the employees working with Party No.1 are given annual increment every year at the rate of 13% of their gross salary. Thus, all the employees are getting increase in the salary every year, hence demand is opposed.

8. As regards demand No.4 all the employees working with Party No. 1 are paid house rent allowance hence demand regarding payment of house rent is misconceived.

9. The demand No.5 for classification of employees and fixing salary equally misconceived as it is repetition of demand No.2.

10. As to demand No.6, it is opposed. It is submitted that none of the comparable industries are giving this facility to its employees. The financial position of Party No.1 is also not sound, hence Party No. 1 is unable to shoulder the additional burden if such demand is granted. It is submitted that Party No.1 is a small scale unit and none of the small scale unit is extending such facility to their employees, hence the demand is opposed.

11. The demand No.7 for Travelling Allowance being misconceived it is opposed. It is not clear whether Party No.2 is seeking travelling allowance or conveyance allowance. It is submitted that while some employees are given conveyance allowance in cash, such of the employees who own 2 wheeler or other vehicles are given conveyance in the form of cost of petrol. There is no discrimination or favouritism in the matter of granting conveyance allowance.

12. The demand No. 8 for grant of accomodation for office of the union is opposed. As already stated the Party No. 2 has no membership in the establishment of the Party No.1, even otherwise there is no accomodation available in the factory premises of Party No. 1 which can be given to Party No.2, hence the demand is opposed.

13. The demand No.9 for grant of holidays to the employees is equally misconceived. It is submitted that all the employees are already given 14 paid holidays. Hence the demand is opposed.

14. The demand No. 10 for washing Allowance at the rate of Rs. 50 per month is opposed. The Party No.1 manufactures Ice-Cream and the employees working with Party No.1 have to observe very strict standard about cleanliness and hygiene and in order to ensure that all the employees who work in factory in clean clothes, all the employees have been provided with uniform and said uniforms are washed by Party No. 1 at their own cost every day. Therefore, the employees are not required to incurred any expenditure for washing their clothes. Hence, there is no justification for demand of washing allowance.

15. The demand No.11 for uniforms/clothes is equally misconceived as the Party No.1 is already supplying the two pairs of dresses to the male workers and sarees to lady workers. In addition to this employees are also given shoes. Thus, the employees are already getting uniforms, hence the demand is totally misconceived.

16. As to demand No.12 for benefits under Factories Act, it is totally vague and misconceived. The Party No.2 has not clarified which benefits under the Factories Act should be made admissible to the employees. The Party No.1 is already complying with all provisions of Factories Act and the employees are already given all benefits under the Factories Act, hence demand being misconceived it is opposed.

17. As to demand regarding fixation of salary as per scale of pay is totally misconceived and made without verifying the fact. It is submitted that there is no post of Accountant, Junior Operator, Superintendent or Supervisor in the establishment of Party No. 1. There is a post of chief Accountant with Party No.1 and is getting basic wages of Rs. 2,600 which is more than the scale of pay demanded by Party No. 2. There is no post of clerk with Party No.1. Their is a post of Cashier and employees working as Cashier is drawing basic wages of Rs. 2,250 which is more than scale demanded by Party No. 2. There is no post of Fitter, Welder or Electrician. The Machine Operator working with Party No. 2 is getting basic salary of Rs. 1,450 per month. All the employees are given annual increment at the rate of 13% which is more than the rate of increment demanded by Party No. 2. There is no post of Time keeper. Store Keeper is paid basic salary of Rs. 2,600 which is more than the demand made by the Party No. 2. The employees working as Peon, Helper etc. are paid basic wages and 13% increment every year which is more than the demand made by the Party No. 2.

18. It is submitted that it is quite evident from the demands made by Party No.2 that they have neither verified the factual position nor they have studied the wage structure presently applicable to the Party No.1 industry. The Party No.1 has made the above demands without any justification, hence all the demands are once again opposed and the present reference deserve to be answered in negative. The first party management has filed Annexure-VIII alongwith the written statement showing the details of salary, increments paid to the employees for the year 1998 in which the names, designation, basic scale, house rent allowance, conveyance allowance, emoluments and total amount of salary paid to the employees has been mentioned.

19. After going through the schedule of Reference adjudicated to this court and the submissions made by the parties, following points arises for my consideration :—

(1) Whether the demands raised by the second party are legitimate and justified ?

(2) Whether the present reference is maintainable.

I record my findings for both the points in the negative for the reasons mentioned below:—

### **Reasons**

20. At the out set it is necessary to mention that after the Reference was adjudicated to this court and the statement of Claim and written statement was filed by the parties, the matter was fixed for evidence. The second party union was under obligations to lead evidence to justify its demands or to file the necessary documents regarding the comparable concern / industry etc. But second party union has neither filed the documents on record nor led oral evidence so as to justify its contention. Similarly, the first party management has not adduced oral evidence. Therefore, present Reference needs to be decided on the basis of admitted facts and submissions made by the parties on record.

21. After going through the statement of claim filed by the second party union it becomes very much clear that all the demands are raised by the second party union without any justification. There is no legitimate reasons given by the second party union why those demands should be accepted. Even there is nothing on record to show that such demands are paid to other employees working in the comparable concern. Even the second party union has not placed on record the financial position of the first party management to show that the first party management could bear the financial burden arising out of the demands raised by the second party union.

22. On the contrary first party management has clearly mentioned the facts and placed on record that more benefits than the demand raised by the second party union are already paid to the concerned employees working with Party No.1. The first party had made it clear that basic wages more than demanded by the second party are paid to all the employees. They are also paid H.R.A., conveyance allowance etc. Even all the employees are given 13% annual increment in the salary. They are supplied with the uniforms, Boots and all the conditions as per the Factories Act are complied by the first party management. Therefore, whatever has been submitted by the first party management needs to be accepted because second party union has neither disputed the contentions of the first party management nor led any evidence to disprove the said contention.

23. It is pertinent to note that the second party union has not placed on record any evidence to show that the said union is having *locus- standi* or right to represent the employees working in the establishment of the Party No.1. Even there is nothing on record to show that the employees working with Party No.1 are the members of the second party union. Under these circumstances I am of the opinion that second party Union has no *locus-standi* or right to raise the demands and hence the present reference is not maintainable.

24. As regards justification of the demands the second party union has not placed on record any document or evidence to show that how these demands are justified and legitimate. The second party union was under obligation to justify each and every demand and place on record that the first party management is under obligation to accept the said demands. It was also necessary for the second party union to place on record sound financial position of the first party management especially when the first party management has clearly submitted that financial position of the first party management is not sound to bear the financial burden arising out of the demands.

25. After going through the submissions made by the first party management it is seen that all the demands are already fulfilled by the first party management and the second party union has raised these demands without going through the facts and without examining the service conditions of the employees. It is pertinent to note that there is nothing on record placed by the second party union that such type of demands were raised by the concerned workers at any time and they have requested the union to take the matter before conciliation officer. It becomes very much clear from Annexure-VIII filed on record by the first party management that all the employees working with Party No.1 management are duly designated and paid basic salary, house rent, conveyance allowance and annual increment. Therefore, by stretch of imagination it could not be accepted that the first party management is depriving the employees from any benefit or there is any act of discrimination or favouritism committed by the first party management.

26. Thus taking into consideration all the facts and circumstances of the case I am of the opinion that the demands raised by the second party union are baseless and unjustified. Hence the reference is not maintainable, therefore it needs to be answered in the negative. Thus, I answer the points accordingly and proceed to pass the award as follows.

### **Award**

(i) The Reference stands dismissed.

(ii) Award accordingly.

Nagpur, dated 10th June 2004.

S. S. HIRURKAR,  
Presiding Officer,  
Industrial Tribunal, Nagpur.

Additional Commissioner of Labour,  
Nagpur.

**ADDITIONAL COMMISSIONER OF LABOUR, NAGPUR**

Civil Lines, Nagpur, dated the 12th July 2004

**NOTIFICATION**

No. ALC/ ADJ/ PUB/ IT/ NAG/14/04.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (XIV of 1947) read with Government Notification, Industry, Energy and Labour Department, No.IDA/2002/ 5686/ (2882)/Lab-3, Dated the 19th August 2003. The Additional Commissioner of Labour, Nagpur hereby publishes the Enclosed Award of the Industrial Court Nagpur referred for adjudication by the Additional Commissioner of Labour, Nagpur in reference IT/4/ of 1996 in the Industrial Dispute between M/s. Polyfilms Industries M.I.D.C. Nagpur and Shri. Ramesh Jawle & Its worker who was employed under it.

BEFORE THE INDUSTRIAL TRIBUNAL, NAGPUR

PRESIDED OVER BY SHRI S. S. HIRURKAR, B. COM. LL.B.

REFERENCE (IT) NO. 4 OF 1996.—Adjudication between M/s. Polyfilms Industries, M-2, MIDC, Hingna Road, Nagpur—*Party No. 1* And Their Workmen— *Party No. 2*.

IN THE MATTER OF REFERENCE UNDER SECTION

10(1) (d) OF INDUSTRIAL DISPUTES ACT, 1947.

*Appearances.*— Mr. S. N. Dandekar, Advocate for Party No.1.

Mr.P.D. Meghe, Advocate for Party No.2.

**Award**

(Passed on 19th April, 2004)

This reference is adjudicated to this court by Government of Maharashtra, Industries, Energy and Labour Department *vide* letter dated 21st March 1996 under the provisions of Industrial Disputes Act, 1947 regarding the Industrial Dispute as mentioned in schedule of reference as to whether Sarvashri Ramesh Jawle and other 16 workmen were prevented from performing their duties by the employer from 21st July 1995 to 28th July 1995 and whether the said workmen are entitled for full wages for the period.

2. After the reference was adjudicated to this Court notices were issued to the parties. Accordingly the second party workers have filed their statement of Claim below Ex. 15. It is submitted by the workers that the first party company has not allowed Mr. Ramesh Jawle and 16 other workers to work in the company and asked them to sit idle and thereafter the first party company has failed to pay them their wages. The company has also not paid the minimum wages applicable for Zone I in respect of Scheduled employment in Plastic industry. Therefore , the workers working in the first party company made a complaint to the office of the Deputy Commissioner of Labour. on 21st February 1995 the Government Labour Officer has visited the Party No.1 establishment and thereafter the Labour Officer has directed the Party No.1 to implement the provisions of Minimum Wages Act but inspite of the directions said provisions were not implemented. Thereafter in the month of July, 1995 on 20th July 1995 one of the leading activist Ramesh Jawle was called upon by the Manager of the first party in the office and he was not allowed to work in the shop floor. But he was asked to sit idle. Thereafter when other workers also raised their grievances they were not provided the work and asked to sit idle from 21st July 1995 to 28th July 1995 and wages for the said period were not paid to the workers. It is submitted that the workers were not allowed to enter in the factory premises and the Party No.1 has refused to provide the work to the workmen. Therefore, on the basis of the complaint made by the workers on 28th July 1995 the Government Labour Officer called Party No.1 and Party No.2 for conciliation.



The Government Labour Officer has asked the first party to provide work to the concerned workers. Accordingly first party has allowed the workers to work with effect from 29th July 1995. Thus, Ramesh Jawle and other 16 workers were not paid wages for the period 21st July 1995 to 28th July 1995 and it was found that the first party has deducted the salary of the concerned workers for the period mentioned above. Therefore, the workers are entitled to get the said wages.

3. It is submitted that the action on the part of the first party to deprive 17 workers from their legitimate wages for the period 21st July 1995 to 28th July 1995 is illegal, improper and bad in law. The first party has no right or authority to deprive the workers from their wages. Moreover, the first party has not allowed the workers to work though the second party workers reported on duty, from 21st July 1995 to 28th July 1995. Therefore, second party workers are entitled for the wages in respect of the period from 21st July 1995 to 28th July 1995 along with interest at the rate of 18% per annum.

4. The first party management has filed its written statement below Ex.16 and denied the allegations made by the second party workers. It is not disputed that Party No.1 is manufacturing the plastic bags and also performing the work of printing in their establishment. It is also not disputed that the establishment is covered under Scheduled employment and Minimum Wages Act is applicable. However, it is denied that the establishment of first party comes under Zone-I of Scheduled employment.

5. It is admitted that the workers made a complaint regarding the minimum wages before the Labour Commissioner. However, it is denied that on account of said complaint Party No.1 started harassing the workers. It is denied that Party No.1 with *malafide* intention asked Ramesh Jawle on 20th July 1995 to sit idle and did not allow him to work. It is denied that Ramesh Jawle and other workers were not provided the work and they were asked to sit idle in the office from 21st July 1995 to 28th July 1995.

6. It is specifically submitted that some of the customers of the Party No.1 made a complaint to Party No.1 that some plastic bags which were supplied to them are damaged and also short. Therefore, said plastic bags were returned to first party by the customers. Hence first party's Manager has asked Ramesh Jawle in Packing Department to check the plastic bags which were returned by the customers. However, Ramesh Jawle has refused to check the said bags and made false allegations against the Manager of the first party. Not only this he asked other workers to stop the work and sit idle. Therefore, the first party has suffered huge loss of production due to refusal of work by the workers. Hence the first party has issued notice to the employees regarding stoppage of work and resume the work but the second party workers have refused to resume duties similarly, on 22nd July 1995 second party workers sit idle before the machines and they wanted to damage the machines without doing any work. Therefore, first party management was compelled to call the police and direct the workers if they do not want to work they should leave the premises. This fact was conveyed to the Labour Commissioner by Party No.1. Thus, Party No.2 will fully stopped the work from 21st July 1995 to 28th July 1995, hence, they are not entitled for any wages for the said period on the basis of principle of "no work no pay". It is submitted that the Assistant Labour Commissioner after holding the discussion with first party and second party directed Ramesh Jawle and other workers to work as per direction of the first party and accordingly Party No.2 resumed the work from 29th July 1995 and Ramesh Jawle also agreed to work since the workers resumed work from 29th July 1995.

7. It is specifically submitted that Party No.2 will-fully and deliberately and under pressure of Ramesh Jawle stopped the work from 21st July 1995 to 28th July 1995 without any reason. Therefore , they are not entitled for wages of the said period as their action of stoppage of work during this period is illegal and also it has caused huge loss of production amounting to rupees 11 lacs to the first party management. Hence, the Reference is liable to be rejected.

8. On the basis of the submissions made by the parties and in view of the Schedule of Reference, following points arises for my consideration.—

(1) Whether Shri Ramesh Jawle and 16 workers were prevented from performing their duties by the first party ?

(2) Whether the second party workers are entitled to get the wages for the period 21st July 1995 to 28th July 1995 ?

I record my findings for both the points in the affirmative for the reasons mentioned below.

### **Reasons**

9. At the out set it is necessary to mention that after the statement of Claim and written statement was filed the matter was fixed for evidence of the parties but both the parties have failed to adduce the oral evidence. Therefore, present reference needs to be decided on the basis of admitted facts on record.

10. It is not disputed that second party workers are engaged by the first party management and they were not provided work during the period 21st July 1995 to 28th July 1995 and similarly wages for the said period were not paid to them on the basis of no work no pay. Therefore, the first party management was under obligation to prove that concerned workers were provided the work and inspite of providing the work they have refused to perform the work, therefore, they are not entitled to get the wages. On the contrary, it reveals from records that second party workers were not allowed to resume duties and no work was provided to them during the period 21st July 1995 to 28th July 1995 but after intervention of Assistant Labour Commissioner and in view of the directions given by the Government Labour officer the workers have agreed to work and the first party management has allowed said workers to resume duties from 29th July 1995. Therefore, it reveals that since the workers were not allowed to resume duties they could not perform their work. It is further pertinent to note that it is the case of the first party company that the workers were having intention to damage the machinery. Therefore, the police were called and workers were called to leave the premises. Therefore, it is clear that since the workers were kept out of premises they were unable to perform the work though they were having interest to perform the duties.

11. It is pertinent to note that there is nothing on record placed by the first party management to show that the workers were called upon to report on duty and inspite of the notice the workers have refused to perform the work. Unless and until the second party workers refuses to perform the work they could not be refused their wages. In the present case the first party management has failed to prove that the workers have failed to perform their work and therefore, they are not entitled to get wages for the period 21st July 1995 to 28th July 1995 since the workers were reporting on duty and there is nothing on record to show that the workers have intentionally remain absent from work, wages could not be refused to them. The facts on record clearly shows that second party workers were prevented by first party management from performing their duties during the period 21st July 1995 to 28th July 1995 and after intervention of the Assistant Labour Commissioner and in view of the directions given by the Government Labour officer, the second party workers were provided the work and allowed to resume duties

from 29th July 1995. Therefore, action on the part of the first party management not providing the work to second party workers and not paying them their wages is illegal, improper and bad in law. Hence, the workers are entitled to get full wages for the period from 21st July 1995 to 28th July 1995.

12. It is pertinent to note that inspite of the opportunity given to the first party management to prove its case that the workers were not intending to work and they were sitting idle with intention to damage the machinery and premises therefore the work was not provided to them and hence the action of the management was legal and proper, the management has filed to prove its case by adducing the evidance. Therefore, an adverse inference needs to be drawn against the first party management and benefits needs to be given to the weaker section of second party workers. Hence, I answer the issues accordingly and proceed to pass the award as follows :—

### **Award**

- (i) The reference is allowed.
- (ii) The first party management is directed to pay full wages to second party workers the period 21st July 1995 to 28th July 1995 within one month from the date of publication of award.
- (iii) Award accordingly.

Nagpur,  
dated the 19th April 2004.

S. S. HIRURKAR,  
Presiding Officer,  
Industrial Tribunal, Nagpur.

Additional Commissioner of Labour,  
Nagpur.

**ADDITIONAL COMMISSIONER OF LABOUR, NAGPUR**

Civil Lines, Nagpur, dated the 12th July 2004

**NOTIFICATION**

No. ALC/ADJ/PUB/2-A /IT/ NAG/15/04.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947) read with Government Notification, Industry, Energy and Labour Department, No. ADA/2002/5686/(2882)Lab-3, dated 19th August 2003. The Additional Commissioner of Labour, Nagpur hereby publishes the Enclosed Award of the Industrial Court Nagpur referred for adjudication by the Additional Commissioner of Labour, Nagpur in reference ICN/21, of 1985 in the Industrial Dispute between M/s. Gondwana paints and Mineral Ltd. Kamptea Dist. Nagpur. & And Shri K.S. Panchel C/o. Gondwana Paints and Mineral Ltd., Kamtee, Dist. Nagpur. Who was employed under it.

BEFORE THE INDUSTRIAL TRIBUNAL, NAGPUR

PRESIDED OVER BY SHRI S. S. HIRURKAR, B. COM. LL.B.

REFERENCE (ICN) No.21 OF 1985.— Adjudication between: M/s. Gondwana Paints and Mineral Ltd.(Development Corporation of Vidharbha Ltd.) Kamptee—*Party No. 1* And Its workmen—*Party No. 2*.

**IN THE MATTER OF REFERENCE UNDER SECTION  
73 OF THE BOMBAY INDUSTRIAL RELATIONS ACT, 1946.**

*Appearances.*— None present for Party No.1.

None present for Party No.2.

**Award**

(Passed on 19th April 2004)

This reference is adjudicated to this court by Government of Maharashtra, Industries, Energy and Labour Department, letter dated 25th October 1985 under the provisions of Bombay Industrial Relations Act, 1946 so as to resolve the Industrial Dispute between the parties as mentioned in Schedule of reference.

2. The reference is regarding eight general demands as follows :—

(1) Wages: (1) Unskilled worker in the scale of pay Rs. 205-5-335 (DCVL).

(2) Semi- skilled workmen 250-7-435 (DCVL).

(3) Skilled workman 260-10-495 (DCVL).

(4) Highly skilled workmen 395-15-800 (DCVL).

(2) Dearness Allowance :— As per Development Corporation of Vidarbha Ltd. Rules.

(3) House Rent Allowance:— As per Development Corporation of Vidarbha Ltd. Rules.

(4) Compensatory Local Allowance :— As per Development Corporation of Vidarbha Ltd. Rules.

(5) Washing Allowance :— Rs. 15 per month.

(6) Casual Leave :— 15 days per year.

(7) Earned Leave :— As per Development Corporation of Vidarbha Ltd. Rules.

(8) Provide Hand Gloves, Masks and Napkins.

3. After the reference was adjudicated notices were issued to the parties. The Union has filed its statement of Claim below Ex. 3 and submitted that second party workers are working with the first party company which is a subsidiary company of Development Corporation of Vidarbha Limited (for short hereinafter referred as DCVL). Earlier the said Gondwana Paints and Minerals Ltd. was leased to M/s. Khandelwal and Company and lease period was over in the year 1971-72, all the workers were retrenched and factory was closed. It remained closed till it was taken over by DCVL in September 1976. The retrenched workers were interviewed and re-employed. Some workers already in the employment of the DCVL in its Paints Division, were transferred to Party No.1. The re-employed workers were given only starvation wages, whereas the other workers were given work of various categories and they were paid uniform wages of Rs. 4 per day irrespective of the nature of work, past wages earned by them and length of their service. It is submitted that since from very beginning the Party No.1 is paying very low wages to the second party workers, whereas the workers who were transferred from DCVL were paid wages as per their scale of pay in DCVL alongwith dearness allowance and other benefits. Hence there is need to revise the wage structure and also extend other benefits and facilities available to workers who have come from DCVL.

4. It is alleged that Party No.1 is discriminating amongst the workers and denied the legitimate claim of the second party workers. It is submitted that there is substantial difference in the wage scale paid to Machine Operators, Accounts Clerks, Watchman and Helpers. Therefore, second party workers are entitled for the same wages and benefits paid to the employees of the DCVL without any discrimination.

5. It is submitted that the demand Nos.1 to 8 regarding wages, Dearness allowance, House Rent allowance, Washing allowance, Casual leave, Earned leave, providing Hand Gloves, Masks and Napkins to the workers are legal and genuine. It is necessary to classify the workers as unskilled, Semi-skilled, skilled and Highly skilled and pay them wages according to their category. The first party management has allowed two different scales of wages prevailing for two data of workers. Said system is illegal and erroneoue therefore all the workers are entitled to the uniform scale prevailing under DCVL and which are actually paid to the workers who came from DCVL. It is submitted that there is no reason whatsoever that more experienced set of workers be paid less wages than the employees engaged by DCVL, hence the demand of the second party is fully justified. The second party workers have given justification regarding Dearness allowance, House Rent allowance, Compensatory Local allowance and other benefits. It is submitted that the Paint Industry is growing and expanding industry and the factory is engaged in production of paints at Nagpur and other places are paying much higher wages to their employees. Therefore, the demands raised by the second party workers being legal and proper, there is no justified reason for denying the same.

6. The first party management has filed its reply below Ex.5. It is admitted by the first party that it is subsidiary company of DCVL and it has its own employees since it became the subsidiary of DCVL. It is admitted that earlier the factory of the Party No.1 was run by DCVL and its Paints Division till it became the subsidiary company of DCVL. It is admitted that all the workers were retrenched by the first party initially and subsequently they were re-employed. But it is denied that re-employed workers were given only workers were paid the uniform wages Rs. 4 per day, the employees who were posted from DCVL were paid wages as per their scale of pay in DCVL alongwith Dearness allowance and other benefits which were paid to them when they were working in DCVL. It is denied that there is any need to revise the wage structure and also extend them other benefits and facilities available to employees who have come from DCVL . It is denied that

any unskilled worker was transferred from DCVL to the Party No.1. It is denied that Party No.1 is paying uniform wages of Rs. 10 per day to all its employees irrespective of the nature of work. It is denied that there is no category of workers as unskilled, semi-skilled, skilled etc. It is denied that there are two different scales of wages prevailing in the Party No.1 factory for the same class of persons. It is submitted that persons or workers who were previously employed by GMPL are also being paid high wages depending upon their nature of work. It is submitted that the demands raised by the second party is unjustified and unwarranted. It is specifically denied that there is any discrimination that persons who are engaged by DCVL are getting more salary than the persons who were appointed by Party No.1. It is submitted that all the demands No.1 to 8 raised by the second party workers are not genuine and proper. on the contrary it is submitted that the workers are paid Washing allowance, soap and other facilities hence the demands are totally unjustified. The provisions of casual leave is being made only with a view that the employee may avail the immediate leave for some unforeseen circumstances. Hence the demand regarding casual leave is not at all justified. The Paints industry is not a hazardous industry then also in Paints Division Wherever required, hand-gloves, masks and respirators are provided to the workers by the company, Hence, demand is unjustified.

7. It is specifically submitted that the first party company is incurring heavy losses in its Paints factory and from its take-over till 31st March 1985 the company has accumulated losses of more than rupees 30 lacs. The machineries are too old and its products would not compete in the market due to high cost of production for various reasons. It is submitted that due to heavy losses the first party Paints company is on the verge of closure and under those circumstances if heavy financial burden is levied on the company it will create a more complicated situation. Therefore, taking into consideration the financial position of the company the demands raised by the employees are not at all justified. Hence reference needs to be rejected.

8. After going through the submissions made by the parties and the schedule of reference, following points arises for my consideration.

- 1) Whether the demands raised by the second party workers are legal and justified?
- 2) Whether the second party workers have proved that first party company can bear the financial burden arising out of the demands?
- 3) Whether the second party workers are entitled to get the roller as prayed for ?

I record my findings for all the points in the negative for the reasons mentioned below.

### **Reasons**

9. It is not disputed that present reference is under the provisions of B.I.R.Act,1946 regarding the general demands as mentioned in the schedule of reference. Therefore, the burden lies on the second party workers to prove that the said demands are justified and genuine and the first party management is having financial sources to bear the financial burden. So as to prove its can the second party workers have examined four witnesses below Ex.U-1, U-2, U-3 and U-4, After going through the evidence adduced by the second party workers it becomes very much clear that more importance was given to the Attendance Card and Wage Card and present wages earned by the cocerned workers. After admitting the said evidence as it is it does not become clear whether the demands raised by the second party workers are geniune and justified. It is pertinent to note that except the oral evidence no documents are filed by the second party workers to justify their demands and prove the strong financial position of the first party management. It is well settled position of law that if the general demands raised by the concerned workers are accepted it will create heavy financial burden on the first party management. Therefore, it is necessary for the second party workers to prove that the first party management is in a position to bear the said

burden but unfortunately second party workers have failed to prove that the first party management is in a position to bear the financial burden. Even the second party workers have failed to place on record the actual financial position of the first party management especially on the background that when it was a submission of the first party management that it has caused accumulated loss of rupees 30 lacs. If the first party management is going under accumulated losses, extra financial burden could not be saddled on the first party management by accepting the demands of the second party workers.

10. The first party management has examined its witness Shri Dinkar Bhagwant Muthal, General Manager of the Gondwana Paints and Minerals Limited. Who has placed on record all the facts regarding the position of the workers and financial position of the company. After going through the evidence of Dinkar Muthal and his cross-examination it reveals that the second party workers have failed to justify their demands.

11. It further reveals from record that during the pendency of the present Reference closure was affected in the unit of the first party management and services of the concerned employees were terminated. There was winding-up of whole of the undertaking, factory building, machinery etc. Therefore, under such circumstances the reference of general demands raised by the second party workers has now become infructuous. Therefore, I am constrained to hold that the second party workers have failed to prove that they are entitled to get the relief as prayed for.

12. In sum and substance the present Reference regarding demands raised by the second party workers being not justified deserves to be rejected. Hence, I answer the points accordingly and proceed to pass the award as follows :—

#### **Award**

(i) The Reference stands rejected.

(ii) The demands of the second party workers regarding the demands mentioned in the Schedule of Reference stands rejected.

(iii) No order as to costs.

(iv) Award accordingly.

Nagpur,  
dated the 19th April 2004.

S. S. HIRURKAR,  
Presiding Officer,  
Industrial Tribunal, Nagpur.

Additional Commissioner of Labour,  
Nagpur.

**ADDITIONAL COMMISSIONER OF LABOUR, NAGPUR**

Civil Lines, Nagpur, dated the 12th July 2004

No. ALC/ADJ/PUB/ IT/ NAG/13/04.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (XIV of 1947) read with Government Notification, Industry, Energy and Labour Department No. IDA/2002/ 5686/ (2882)/Lab-3, dated 19th August 2003. The Additional Commissioner of Labour, Nagpur hereby publishes the Enclosed Award of the Industrial Court, Nagpur referred for adjudication by the Additional Commissioner of Labour, Nagpur in reference IT/10/1997 in the Industrial Dispute between M/s. Maharashtra State Road Transport Corporation, Nagpur and Shri S. N. Yadav, Divisional Secretary, Pariwahan Mazdoor Union, Nagpur.

BEFORE THE INDUSTRIAL TRIBUNAL, NAGPUR

PRESIDED BY SHRI S. S. HIRURKAR, B. COM. LL.B.

REFERENCE (IT) No.10 OF 1997.— Adjudication between M/s. Maharashtra State Road Transport Corporation, Nagpur—*Party No. 1* And Its workmen—*Party No. 2*.

IN THE MATTER OF REFERENCE UNDER SECTION  
2(k) OF THE INDUSTRIAL DISPUTES ACT, 1947.

*Appearances.*— Mr. Khadgi, Advocate for Party No.1.

Mr. Chobe, Advocate for Party No.2.

**Award**

(Passed on 6th April 2004)

This reference is adjudicated to this Court by Govt. of Maharashtra , Industry, Energy and Labour Department *vide* order dated 26th february 1997 under the provisions of Industrial Dispute Act, 1947. The schedule of reference is as under:—

“ Shri S. M. Yadao, Driver may be reinstated with continuity of service with full back wages and punishment of reduction of pay *vide* order dated 20th September 1994 awarded by the Appellate Authority to be set aside and the order of dismissal should be withdrawn and his pay be restored.”

2. Thus, the reference is regarding setting aside the punishment awarded by the first party management to the second party workmen. In view of the application submitted by the second party workmen under section 2(k) of Industrial Disputes Act, 1947 before the Conciliation Officer Industrial Diputes Act,1947,Nagpur. The conciliation proceedings started but since the views on the issue involved in the dispute were deferred each other there was no possibility of settlement, hence failure report was submitted by the Conciliation Officer and thereafter this reference was adjudicated to this Court.

3. After the receipt of the reference, notices were issued to both parties. Accordingly parties appeared in the Court. The Second party workmen has filed its statement of claim at Exh.8. The case of the second party is that he is working with the first party management as a Driver. He was appointed on 9th May 1990 initially on dailywages. Thereafter, he was taken on time-scale from 4th february 1992, his service record was clean and unblemished.

4. Second party workmen was issued with the chargesheet dated 8th September 1993 regarding the charges under Item No. 29(a) and 29(b) of Schedule “A” of Discipline and Appeal procedure of the corporation. It was alleged that Shri Yadao, while applying for the job in M.S.R.T.C. did not disclosed the fact of conviction under the Bombay Prohibition Act in the year 1985, in his application form. The security staff of Corporation investegated the fact from Police Station (Rural), Nagpur and made a report. The second party workmen by his reply dated 8th January 1994 denied the charges. It was submitted by him that he was never convicted under the Bombay Prohibition Act prior to join the duty with the corporation. He has demanded the copy of the order of the Criminal Court, but the respondent has informed that certified copy of the order of Criminal Court is not available, hence cannot be supplied. Thereafter, the enquiry was conducted and complainant was dismissed from Service *vide* order dated 17th June 1994.



5. Being aggrieved by the order of dismissal passed by the Divisional Traffic Superintendent (default), second party workmen has submitted the first appeal to the Divisional Controller. The appellate authority *vide* order dated 29th September 1994 has set aside the order of dismissal and ordered the reinstatement with continuity of service without backwages. The authority has inflicted the punishment of reduction of pay by 2 stages permanently.

6. It is submitted that by the second party workmen that punishment order inflicted by the appellate authority is wholly illegal and unlawful. He is entitled for the backwages from the date of termination till the date of reinstatement. So also punishment of reduction of pay by 2 stages permanently is liable to be set aside.

7. It is contended by the second party that prosecution has failed to prove misconduct alleged against him. The certified copy of the judgement of the Criminal Court was not placed on record in the departmental enquiry, therefore, since the charges levelled against second party workmen are not proved in the departmental enquiry, he deserves to be axonerated, and no punishment can be inflicted on him. The second party workmen has reinstated that he was never convicted for offence under Bombay Prohibition Act nor any offence involving moral turpitude.

8. The second party workmen has prayed that reference be answered in the affirmative by directing the first party to grant backwages to the second party workman from the date of termination till the date of reinstatement and set aside the order of deduction of pay inflicted *vide* order dated 29th September 1994.

9. The first party management has not disputed admitted facts, but it is denied that service record of the second party workman was quite unblemished as alleged.

10. It is admitted that after verification of the antecedent of Mr. Yadao, it was found that information given by him about his past criminal record was incorrect and false, hence he was served with the chargesheet dated 8th September 1993 for the misconduct committed under Clause 29(a) and 29(b) of Schedule A of Discipline and Appeal Procedure. All the relevant documents were supplied to the Party No. 2 at the time of issuance of chargesheet, hence allegation about non-supply of certified copy of ordered conviction does not arise.

11. It is submitted that the departmental enquiry was initiated and full opportunity was given to the second party workman. The first party management has followed principle of natural justice while conducting enquiry and after enquiry was concluded the punishment of dismissed from service was given *vide* order dated 17th June 1994.

12. It is admitted that the order of dismissal was set aside by modifying the order in first appeal by the competent authority. It is admitted that Party No. 2 was reinstated with continuity of service without backwages. The punishment of dismissal was set aside and punishment of reduction of pay by 2 stages permanently was inflicted.

13. It is further submitted that in second appeal the appeal of the second party was partly allowed and punishment was further reduced to 2 stoppage of 2 increments for 3 years by order dated 15th December 1995. Thus, instant reference is pre-matured and the order passed by second appellate authority has been challenged by second party workman, hence the reference be answered in the negative.

14. It is specifically submitted that since the charges were proved against second party beyond doubt the punishment was rightly inflicted. Latter on, it was modified by the appellate authority and therefore reference is pre-matured and without jurisdiction and on that count the reference needs to be answered in the negative in the interest of justice.

15. After the statement of claim and written statement was filed the reference was adjourned from time to time for filing the documents and adducing the evidence but both the parties have

neither filed documents nor adduced any evidence. Even on the date of evidence the parties remained absent. Therefore, matter was further adjourned for argument. Heard learned counsels for both the sides. Taking into consideration the arguments advanced by them following points arises for my consideration.—

- i) Whether the relief as prayed for in schedule of reference needs to be granted ?
- ii) Whether the reference has become infructuous and premature?

I record my findings for point No.1 in the negative and for point No.2 in the affirmative for the reasons mentioned below:—

### **Reasons**

16. It is admitted fact that there is no evidence adduced by both the parties to prove their respective contentions. It is undisputed fact that second party workman was issued with the chargesheet regarding the misconduct under Clauses 29(a) and 29(b) of Discipline and Appeal Procedure. Thus the charges leveled against the second party workman were denied by him same were held to be proved in the enquiry. According to the second party workman, the enquiry is improper, illegal and bad in law, but no documents are filed on record regarding the enquiry and not a single document of the enquiry proceeding is filed on record. It is contention of the first party management that all the necessary documents were supplied to the second party workman at the time of issuing chargesheet. Second party workman has not disputed the contents of the written statement and he has not adduced the evidence or placed any documents on record to prove his contentions. Therefore no conclusions could be drawn regarding conducting the enquiry as the said issue is not raised before this Court in reference.

17. As regards schedule of reference, it is to be decided whether second party is entitled to be reinstate with continuity and backwages and punishment of reduction of pay *vide* order dated 20th September 1994 be withdrawn and his pay should be restored. But in the written statement first party has made it clear that against the punishment order dated 20th September 1994 second appeal was filed by the second party before the appellate authority and said appeal was partly allowed by order dated 15th December 1995. The punishment awarded to second party workman was further reduced to stoppage of 2 increments for 3 years. This fact was neither pleaded by second party workman in his statement of claim nor he has denied the same by adducing the evidence, or he has not filed any affidavit on record denying the fact that second appellate authority has passed the order dated 15th December 1995.

18. It is admitted fact that second party workman has not challenged the order passed by the second appellate authority dated 15th December 1995 before any competent court or has not disclosed the facts by way of amendment in the present reference. Therefore, present reference has become premature and infructuous, since the order dated 20th September 1974 has been already set aside by the second appellate authority. Therefore, reference needs to be answered in the negative and I am constrained to hold that second party workman is not entitled to get any relief as prayed for.

19. I am further constrained to hold that relief as prayed by the second party workman in the schedule of reference could not be granted to him. I am, therefore, constrained to conclude that the present reference adjudicated to this court has become infructuous. So, I answer the points accordingly and proceed to pass the award as follows:—

### **Award**

The reference is answered in negative and stands dismissed. Award accordingly.

Nagpur, dated 6th April 2004.

S. S. HIRURKAR,  
Presiding Officer,  
Industrial Tribunal, Nagpur.

Additional Commissioner of Labour,  
Nagpur.

**ADDITIONAL COMMISSIONER OF LABOUR, NAGPUR**

Civil Lines, Nagpur, dated the 2nd September 2004

**NOTIFICATION**

No. ALC/ADJ/PUB/IT/ Akola/19/04.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (XIV of 1947) *read* with Government Notification, Industry, Energy and Labour Department, No. IDA/2002/5686/(2882)/Lab-3, dated-19th August 2003. The Additional Commissioner of Labour, Nagpur hereby publishes the enclosed Award of the Industrial Court, Akola referred for adjudication by the Additional Commissioner of Labour, Nagpur in reference IT/1/98 in the Industrial Dispute between M/s. The Manager, Kedia Dal & Oil Mill Akola and Shri Lal Bahadur Yadav, General Secretary, The Vidarbha General Shramik Sangh, Birla C Colony, Akola.

IN THE INDUSTRIAL TRIBUNAL, MAHARASHTRA,  
AKOLA BENCH, AKOLA.

REFERENCE I. D. No. 1/98.—In Between The Manager, Kedia Dal & Oil Mill, Mohata Mill Road, Akola, Tq. & Distt. Akola—*Party No.1.*, Shri Lal Bhadur Yadav, General Secretary, The Vidharbha General Sharamik Sangh, Birla 'C' Colony, near Ram Mandir, Akola, Tq. & Distt. Akola— *Party No.2.*

*Subject.*— In the matter of General Demands.

*Presents.*— Shri R. M. Muley, Presiding Officer, Industrial Tribunal, Akola.

*Appearances.*— None present for the parties.

(1) The Government of Maharashtra, Industries, Energy & Labour Department, Mantralaya, Mumbai- 32, has referred this disputes by exercising powers under clause (d) of *sub*-section 12 (1) of section 10 read with sub-section (5) of section 12 of the I. D. Act, 1947.

(2) After receipt of order of reference, notices were sent to the parties. But none appeared for either party. Statement of claim is not filed by second party workman though chances were given. I have perused the record and found that both parties are not interested in prosecution the matter. The case is old one. Therefore, I have no hesitation to dismiss the reference in default for want of prosecution. Consequently workers are not entitled for any demand. Hence, I pass the award.

**Award**

- (1) Reference is answered in negative.
- (2) Demands made by the workman stands rejected.

Dated 6th July 2004

R. M. MULEY,  
Presiding Officer,  
Industrial Tribunal, Akola.

Additional Commissioner of Labour,  
Nagpur, Wardha.

**ADDITIONAL COMMISSIONER OF LABOUR, NAGPUR**

Civil Lines, Nagpur, dated the 2nd September 2004

**NOTIFICATION**

No. ALC/ADJ/PUB/IT/ Akola/18/04.—In pursuance of section 17 of the Industrial Dispute Act 1947 (XIV of 1947) read with Government Notification, Industry, Energy and Labour Department No. IDA/2002/ 5686/ (2882) Lab-3, dated-19th August 2003. The Additional Commissioner of Labour, Nagpur hereby publishes the enclosed Award of the Industrial Court Akola referred for adjudication by the Additional Commissioner of Labour, Nagpur in reference IT/5/96 in the Industrial Dispute between M/s. The Manager, Kedia Dal & Oil Mill, Mehata Mill Road, Akola And Shri Lal Bahadur Yadav General Secretary, The Vidarbha General Shramik Sangh R/o Birla C Colony Akola.

IN THE INDUSTRIAL TRIBUNAL, MAHARASHTRA, AKOLA BENCH, AKOLA

REFERENCE I. D. A. No. 5/96.—In Between The Manager, M/s. Rajkumar Ramkanwar Mill, M.I.D.C. No. 2, Akola—*Party No. 1.*, Shri Lal Bhadur Yadav, General Secretary, The Vidharbha General Sharamik Sangh, R/o. Birla 'C' Colony, Infront of Ram Mandir, Akola—*Party No. 2.*

*Subject.*— In the matter of General Demands.

*Presents.*— Shri R.M. Muley, Presiding Officer,  
Industrial Tribunal, Akola.

*Appearances.*— Shri S. R. Lohiya, Adv. for Party No. 1.  
Shri Ramesh Rathi, Adv. for Party No. 2.

(1) The Government of Maharashtra, Industries, Energy & Labour Department, Mantralaya, Mumbai- 32, referred this disputes by exercising powers under clause (d) of sub Section (1) of Section 10 read with sub section (5) of Section 12 of the Industrial Disputes. Act, 1947.

(2) After receipt of order of reference, notices were sent to the parties. But none appeared for either party. Statement of claim is not filed by second party workman though chances were given. I have perused the record and found that both parties are not interested in prosecution the matter. The case is old one. Therefore, I have no hesitation to dismiss the reference in default for want of prosecution. Consequently workers are not entitled for any demand. Hence, I pass the award.

**Award**

- (1) Reference is answered in negative.
- (2) Demands made by the workman stands rejected.

Nagpur,  
Dated 15th June 2004.

R. M. MULEY,  
Presiding Officer,  
Industrial Tribunal, Akola.

Additional Commissioner of Labour,  
Nagpur.

**ADDITIONAL COMMISSIONER OF LABOUR, NAGPUR**

Civil Lines, Nagpur, Dated the 02nd September 2004

**NOTIFICATION**

No. ALC/ADJ/PUB/IT/AKOLA/17/04.— In pursuance of section 17 of the Industrial Dispute Act, 1947 (XIV of 1947) read with Government Notification, Industry, Energy and Labour Department No. IDA/2002/ 5686/ (2882) Lab-3, Dated 19th August 2003. The Additional Commissioner of Labour, Nagpur hereby publishes the enclosed Award of the Industrial Court, Akola referred for adjudication by the Additional Commissioner of Labour, Nagpur in reference IT/3/94 in the Industrial Dispute between M/s. The Manager, Sindhkhed Raja, Taluka Sahakari Kharedi Vikri Sangh Maryadit Sindhkhed Raja, Tah. Sindhkhed Raja Distt. Buldhana. And Shri Govind Purohit, General Secretary, Buldhana Zilla Kamgar, Main Road, Khamgaon, Distt. Buldhana.

IN THE INDUSTRIAL TRIBUNAL, MAHARASHTRA, AKOLA BENCH, AKOLA

I. D.A. REFERENCE No. 3/94.—In Between, The Manager, Sindhkhed Raja Taluka Sahakari Kharadi Vikri Sangh Maryadit, Sindhkhed Raja, at .Sindhkhed Raja, Distt. Buldhana—*Party No.1.*—Shri Govind Purohit, General Secretary, Buldhana Zilla Nagar Sabha, Main Road, Khamgaon, Distt. Buldhana—*Party No.2.*

*Subject.*— In respect of General Demands.

*Presents.*— Shri R.M. Muley, Presiding Officer,  
Industrial Tribunal, Akola.

*Appearances.*— Shri Pramod Puradupadhye, Adv. for Party No.1.

Shri Govind Purohit, Union Representative for the workmen.

(1) The Government of Maharashtra, Industries, Energy & Labour Department, Mantralaya, Mumbai, has referred this disputes under clauses (d) of sub section (1) of Section 10 read with sub section (3) of Section 12 of the Industrial Disputes Act, 1947.

(2) Since long matter is kept for evidence, it seems that second party Kamgar Sangh is not interested in prosecution of the matter. The reference is liable to be dismissed in default for want of prosecution. Consequently workers are not entitled for any relief. Hence following award is passed .

**Award**

(1) Reference is answered in negative.

(2) No order as to costs.

Dated 22nd July 2004.

R. M. MULEY,  
Presiding Officer,  
Industrial Tribunal, Akola.

Additional Commissioner of Labour,  
Nagpur.

**ADDITIONAL COMMISSIONER OF LABOUR, NAGPUR**

Civil Lines, Nagpur, dated the 2nd September 2004

**NOTIFICATION**

No. ALC/ADJ/PUB/IT/Akola/20/04.— In pursuance of section 17 of the Industrial Dispute Act, 1947 (XIV of 1947) read with Government Notification, Industry, Energy and Labour Department No. IDA/2002/ 5686/ (2882) Lab-3, Dated 19th August 2003. The Additional Commissioner of Labour, Nagpur hereby publishes the enclosed Award of the Industrial Court, Akola referred for adjudication by the Additional Commissioner of Labour, Nagpur in reference IT/ 4/98 in the Industrial Dispute between M/s. The Managing Director Akot. Taluka Sahakari Soot Girni Maryadit, Akot. And Their Workmen.

IN THE INDUSTRIAL TRIBUNAL, MAHARASHTRA, AKOLA BENCH, AKOLA

I. D.A. REFERENCE No. 4/98.—In Between The Managing, Director, Akot Taluka Sahakari Soot Girni, Maryadit , Akot, Hiwarkhed Road, Akot, Distt. Akola—*Party No.1.*, Their Workmen—*Party No.2.*

*Presents.*— Shri R.M. Muley, Presiding Officer,  
Industrial Tribunal, Akola.

*Appearances.*— None present for the parties.

(1) This is a reference received from the Commissioner of Labour Maharashtra State, Mumbai, as per sub-section (6) of Section 25-N read with clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, for adjudication to this Tribunal.

(2) After receipt of order of reference, notices were sent to the parties. But one appeared for either party. State of claim is not filed by second party workmen though chances were given. Perused the record and found that both parties are not interested in prosecution the matter. The case is old one. Therefore, the reference is liable to be dismissed in default for prosecution. Consequently workers are not entitled for any relief. Hence following award is passed.

**Award**

(1) Reference is answered in negative.

(2) No order as to costs.

Dated 15th July 2004.

R. M. MULEY,  
Presiding officer,  
Industrial Tribunal, Akola.

Additional Commissioner of Labour,  
Nagpur.

**ADDITIONAL COMMISSIONER OF LABOUR, NAGPUR**

Civil Lines, Nagpur, dated the 10th November 2004

**NOTIFICATION**

No. ALC/ADJ/PUB/IT/Nagpur/26/04.— In pursuance of section 17 of the Industrial Dispute Act, 1947 (XIV of 1947) read with Government Notification, Industry, Energy and Labour Department No. IDA/2002/ 5686/ (2882) Lab-3, Dated-19th August 2003. The Additional Commissioner of Labour, Nagpur hereby publishes the enclosed Award of the Industrial Court, Nagpur referred for adjudication by the Additional Commissioner of Labour, Nagpur in reference IT/4/1999 in the Industrial Dispute between M/s. Pennar Aluminium Co. Ltd, Village Dahali, Tah. Mouda, Dist-Nagpur. And- Y.H. Sawarkar and other workmen.

*Exh. no 25*

BEFORE V.G. KHARE, B.Sc., LL.B., PRESIDING OFFICER, INDUSTRIAL AT TRIBUNAL

REFERENCE (IT) No.4 OF 1999.— Adjudication between M/s. Pennar Aluminium Co. Ltd., Village Dahali, Tahsil Mouda, District- Nagpur—*Party No.1, And The Workmen M/s Pennar Aluminium Co. Ltd., Village Dahali, Tahsil Mouda, District- Nagpur—Party No.2.*

**IN THE MATTER OF REFERENCE UNDER SECTION 25-M (7) OF  
INDUSTRIAL DISPUTES ACT, 1947**

Advocates.— Shri V.R. Thakur for the Party No.1.

Shri B.M. Khan for the Party No.2.

**Award**

(Passed on this 13th day of August 2004)

Today the matter is fixed for order on this reference . Party No.1 filled pursis Exh.24. Party No.2 is by Adv. Khan.

2. Party No.1 placed on record Exh.24 pursis and informed the court that Party No.1 is not willing to proceed with their prayer, i.e. not pressing the original prayer. Nothing is submitted by Party No.2 on Exh. 24. Now it is 3.05 p.m.

3. It is reference made by the Commissioner of Labour, Maharashtra State for permission to give lay-off to the workers of M/s. Pennar Aluminium Co.Ltd. But now the employer has placed on record pursis Ex. 24 and inform that the employer is not pressing their prayer made before the Commissioner, in other words, not willing to proceed further. Party No.1 has not pressed its demand for laying off 25% of the workmen for a period of 4 months. That was the prayer made by the employer before the Labour Commissioner and the Labour Commissioner referred it to the Industrial Tribunal, but now main prayer is not pressed by the employer. Hence nothing is there to continue with the reference. Hence returned the record of the reference to the Commissioner of Labour. Hence I pass the following award.

**Award**

- (1) The reference is answered in negative as main prayer is not pressed by the employer Party No.1 as pleaded in Pursis Exh.24.
- (2) Original record be sent back to the Commissioner of Labour.

Nagpur, dated 13th August 2004.

V. G. KHARE,  
Presiding Office,  
Industrial Tribunal, Nagpur.

Additional Commissioner of Labour,  
Nagpur.

**ADDITIONAL COMMISSIONER OF LABOUR, NAGPUR**

Civil Lines, Nagpur, dated the 17th November 2004

**NOTIFICATION**

No. ALC/ADJ/PUB/IT/Nagpur/28/04.— In pursuance of section 17 of the Industrial Dispute Act, 1947 (XIV of 1947) read with Government Notification, Industry, Energy and Labour Department No. IDA/2002/ 5686/ (2882) Lab-3, Dated 19th August 2003. The Additional Commissioner of Labour, Nagpur hereby publishes the Enclosed Award of the Industrial Court, Nagpur referred for adjudication by the Additional Commissioner of Labour, Nagpur in reference IT/1/2004 in the Industrial Dispute between M/s. Central India Polyesters Ltd. ,Village Dahali, Tal. Mouda, Dist. Nagpur and Shri Pramod P. Gujar & Others.

BEFORE THE INDUSTRIAL COURT, MAHARASHTRA, (NAGPUR BENCH), NAGPUR.

Reference (BIR) No.1 of 2004.—Between M/s Central India Polyesters Ltd., Mouda, District Nagpur—*Party No .1*, And Its Workmen—*Party No .2*.

**IN THE MATTER OF REFERENCE UNDER SECTION 76(2) OF THE BOMBAY  
INDUSTRIAL RELATIONS ACT, 1946**

CORAM.— Shri B.A. Shaikh, B.sc., LL.M., Member.

*Appearance.*— Shri V.R. Thakur, Adv., for Party No.1.

Shri Ramesh Bongade, Adv., for Party No..2

**Award**

(Passed on 10th September, 2004)

This is a reference made by the Government of Maharashtra under Section 76(2) of the Bombay Industrial Relations Act, 1946 to the arbitration of this Court reffering the dispute between M/s Central India Polyesters Ltd., Mouda, Dist. Nagpur and its workmen over the demands specified in the schedule to the order of reference.

2. The Party No.1 and 2 have arrived at a settlement and accordingly they filed a copy of Memorandum of Agreement along with the application, Exh.11, praying that Award may be passed in terms of the said agreement as per Section 115-A of the Bombay Industrial Relations Act, 1946. I have verified the contents of application, Exh.11 as well as Memorandum of Agreement which is placed before me and accordingly I find that both the parties have come to an agreement as per the contents of the said Memorandum of Agreement. They have agreed that Award is to be passed as per terms of the said agreement. Hence, I am Inclined to pass the Award as prayed for.

**Award**

The reference is disposed of and decided in terms of the Memorandum of Agreement dated 9th September 2004. Award be published accordingly.

Nagpur,  
dated the, 10th September, 2004.

B. A. SHAIKH,  
Member,  
Industrial Court, Nagpur.

Additional Commissioner of Labour,  
Nagpur.



**ADDITIONAL COMMISSIONER OF LABOUR, NAGPUR**

Civil Lines, Nagpur, dated the 17th November 2004

**NOTIFICATION**

No. ALC/ADJ/PUB/IT/Akola/29/04.— In pursuance of section 17 of the Industrial Dispute Act, 1947 (XIV of 1947) read with Government Notification, Industry, Energy and Labour Department No. IDA/2002/ 5686/ (2882) Lab-3, dated-19th August 2003. The Additional Commissioner of Labour, Nagpur hereby publishes the Enclosed Award of the Industrial Court, Akola referred for Adjudication by the Additional Commissioner of Labour, Nagpur in reference IT/1/1985 in the Industrial Dispute between M/s. Divisional Controller Maharashtra State Road Transport Corporation, Akola. And General Secretary, S.T. Workers Union INTUC, Akola.

IN THE INDUSTRIAL COURT, MAHARASHTRA, AKOLA BENCH, AKOLA

I. D.A. REFERENCE No. 1/85.— Maharashtra State Board Transport Corporation, through its Divisional Controller, Akola Division, Akola—*Party No.1.*— Vrs. S. T. Workers Union, INTUC, through it's General Secretary, Akola Division, Akola—*Party No.2.*—

*Subject.*— In respects of General demands.

*Presents.*— Shri R.M. Muley, Member.

*Appearances.*— Shri V.R. Malviya, Adv. for the Party No.1.

Shri M.B. Maheshwari, Representative, for the Party No.2.

**Additional Award**

Dated the 23th September 2004

The Government of Maharashtra has made this reference to this Tribunal under section 10 of the Industrial Disputes Act, for adjudication of dispute in respect of demand No.1.

2. It is submitted by the Party No.2 by filing statement of claim below Exh. 60 that the dispute of one Clerk Shri R.V.Ahir ( hereinafter referred to as the 'Concern Employee') remain to be decided by this Court because the name appeared on the record was wrongly mentioned as R. V. Abu in lieu of concern employee. The mistake done in the reference has been now corrected by the Government of Maharashtra and the matter in respect of the concern employee is referred to this Tribunal for adjudication of the dispute. The concern employee was given appointment w.e.f. 15th May 1969 by Party No.1 as a Clerk after due selection by the Selection committee, his appointment was on clear vacancy. The dispute about the six Clerks has been adjudicated by the Tribunal by passing Award in the positive and monetary benefits as per the Award has also been given to six Clerks by the Party No. 1. The concern employee was appointed in clear vacancy after duly selection by the Selection Committee. As per the Rules of the Corporation he is entitled to be given benefits of regular time scale w.e.f. 15th May 1969 instead of 1st November 1970. Hence, it is prayed to direct the Party No.1 to extend the benefits of regular time scale to concern employee w.e.f. 15th May 1969.

3. The Party No.1 filed its reply below Exh. 61 and contended that the concern employee was not appointed w.e.f. 15th May 1969 as a Clerk after due selection by the Selection Committee hence the concern employee is not entitled for benefits of time scale. Hence, it is prayed to reject the claim of the concern employee.

4. In view of the pleadings as above, points that arise for consideration are as under :—

(1) Whether the concern employee entitled for the time scale from the date of his initial appointment ?

(2) What order ?

Findings to the aforeside points are as under :—

(1) Yes.

(2) As per final order.

### Reasons

5. In support of the claim the concern employee examined himself below Exh. 64 and he was duly cross examined on behalf of Party No.1. Party No.1 has not given any additional evidence in support of its claim. It is the case of the concern employee that he is entitled to get the benefits of regular time scale w.e.f. 15th May 1969 as he was appointed in clear vacancy and after daily selection by the Selection Committee. While passing the Award on 18th April 2002 his name not considered as his name was shown wrongly as R.V. Abu instead of R.V. Ahir. It is the case of the Party No.1 that the concern employee was not appointed in clear vanor he was selected by the Selection Committee hence he is not entitled to get the regular time scale of pay w.e.f. 15th May 1969 as claimed.

6. The Corrigendum letter dated 30th April 2003 is on record below Exh. 55-A. As per the Corrigendum letter the name of the concern employee has been corrected as R.V.Ahir instead of R.V. Abu. As per the earlier Award dated 18th April 2002 no relief was granted to concern employee as his name was shown wrongly. It is important to note that as per the above Corrigendum letter the concern employee is part and parcel of Ref. I.D.A. No. 1/85 therefore he is also entitled to the benefits of time scale from his initial date of appointment i.e. 15th May 1969 like other employees as there is no reason to deny the benefits of time scale given to other employees appointed like him as per the earlier Award dated 18th April 2002. In view of this following Additional Award is passed by answering point No.1 in the affirmative.

### Order

#### Additional Award

- (1) The reference of concern employee Shri R. V. Ahir is here by allowed.
- (2) The Party No.1 is hearby directed to given the benefits of time scale to the concern employee from the date of his initial appointment dated 15th May 1969.
- (3) The copies of this award be sent to the Government.

Dated 23rd September 2004.

R. M. MULEY,  
Member,  
Industrial Court, Maharashtra,  
Akola Bench, Akola.

Additional Commissioner of Labour,  
Nagpur.

**ADDITIONAL COMMISSIONER OF LABOUR, NAGPUR**

Civil Lines, Nagpur, Dated the 17th November 2004

**NOTIFICATION**

No. ALC/ADJ/PUB/IT/Nagpur/27/04.— In pursuance of section 17 of the Industrial Dispute Act, 1947 (XIV of 1947) read with Government Notification, Industry, Energy and Labour Department, No. IDA/2002/ 5686/ (2882) —Lab-3, dated-19th August 2003. The Additional Commissioner of Labour, Nagpur hereby publishes the Enclosed Award of the Industrial Court, Nagpur referred for adjudication by the Additional Commissioner of Labour Nagpur in reference X IT/3/1995 in the Industrial Dispute between M/s. Ujjawal Ispat Pvt.Ltd. G-8, M.I.D.C. Hingna, Nagpur. And Elected Representative of M/s. Ujjawal ispat Pvt. Ltd. Hingna, Nagpur.

BEFORE THE INDUSTRIAL COURT, MAHARASHTRA, (NAGPUR BENCH), NAGPUR

REFERENCE (BIR) No. 3 of 1995.—Adjudication between Management of M/s. Ujjawal Ispat Pvt. Ltd., C-8, MIDC Hingna, Nagpur—*Party no.1, And Its Employees—Party No. 2.*

IN THE MATTER OF REFERENCE UNDER SECTION 73(2)  
OF THE BOMBAY INDUSTRIAL RELATIONS ACT, 1946.

CORAM.— Shri M.G. Giratkar, B.A., LL.B., Member.

*Appearences.*— Shri S. D. Thakur, Advocate for Party No. 2.  
Shri S. W. Ghate, Advocate for Party No. 1.

**Award**

(Passed on 11th October, 2004)

This is a reference made by the Government of Maharashtra under section 73(2) of the Bombay Industrial Relations Act, 1946 for adjudication of an industrial dispute between the parties over the demands set out in the Schedule below the Notification No. BIR-1294/1716/Lab-2, dated 29th March, 1995.

2. Reference is pretty old pertaining to the year 1995. Party No.2 filed the statement of claim on 3rd May 2002 and thereafter sought adjournments from time to time to adduce evidence. Though the matter was adjourned for several times for evidence of Party No.2, Party No.2 failed to adduce any evidence, and remained absent. It, therefore, appears that Party No.2 is not interested in prosecuting the reference. Hence, I answer the reference in negative and proceed to pass the following award.

**Award**

Reference is answered in negative for want of evidence.

No orders as to costs.

Nagpur,  
dated the 11th October, 2004.

M. G. GIRATKAR,  
Member,  
Industrial Court, Nagpur.

Additional Commissioner of Labour,  
Nagpur.

**ADDITIONAL COMMISSIONER OF LABOUR, NAGPUR**

Civil Lines, Nagpur, dated the 4th March 2005

**NOTIFICATION**

No. ALC/ ADJ/ PUB/ IT/Nagpur/2/05.— in pursuance of section 17 of the Industrial Dispute Act, 1947 (XIV of 1947) *read* with Government Notification, Industry, Energy and Labour Department, No. IDA/2002/ 5686/ (2882) Lab-3, dated-19th August 2003. The Additional Commissioner of Labour, Nagpur hereby publishes the Enclosed Award of the Industrial Court, Nagpur referred for adjudication by the Additional Commissioner of Labours, Nagpur in reference IT/3/99 in the Industrial Dispute between M/s. The Management of Solar Explosives Ltd., Chakdoh, And Bhartiya Industrial and General Labour Union Nagpur.

BEFORE THE INDUSTRIAL TRIBUNAL, NAGPUR

PRESIDED BY SHRI M. G. GIRATKAR, B.A., LL.B

REFERENCE (IT) No. 3 OF 1999.—Adjudication Between The Management of Solar Explosives Ltd., Chakdoh, Tahasil Katol, Dist. Nagpur.—. *Party No.1.*— And their Workmen—*Party No.2* Represented by Bharatiya Industrial and General Labour Union, Branch : Solar Explosives Ltd., Chakdoh, C/o. Bhartiya Majdoor Sangh, Behind Apna Bhandar, Mandir Marg, Sitabardi, Nagpur 440 012.

IN THE MATTER OF REFERENCE UNDER SECTION 10(1)  
OF READ WITH SECTION 12(5) OF THE INDUSTRIAL DISPUTES ACT, 1947.

*Appearances.*— Both Parties are absent.

**Award**

(Passed on 11th January 2005)

This is a reference made by the Commissioner of Labour, Maharashtra State in Exercise of powers under Section 10(1) read with section 12(5) of the Industrial Disputes Act, 1947 for adjudication of on Industrial dispute between the parties over the demands set out in the Schedule below the reference order dated the 1st October 1999.

2. On respect of reference notices were issued to the parties. Party No. 2 has failed the statement of claim in justification of the demands on 15th December 1999 vide Exh. 14. Party no. 1 raised preliminary objection to the maintainability of reference vide Exh. 22. Therefore, preliminary issue was framed at Exh. 35 on 25th September 2002. However, on several dates both parties remained absent, therefore, order was passed on Exh. 35 and the case was proceeded for evidence.

3. Reference is pertaining to the year 1999. It was adjourned from time to time for the evidence of Party No. 2, However, since long both parties are absent. To-day also both the parties are absent. It therefore, appears that the parties are not interested in prosecuting the reference. In the circumstances, Reference has to be dismissed for want of prosecution. hence I pass the following award.

**Award**

The reference is dismissed for want of prosecution with no order as to costs.

M. G. GIRATKAR,

Presiding Officer,

Nagpur, dated the 11th January 2005.

Industrial Tribunal, Nagpur.

Additional Commissioner of Labour,  
Nagpur.

**ADDITIONAL COMMISSIONER OF LABOUR, NAGPUR**

Civil Lines, Nagpur, dated the 2nd April 2005

**NOTIFICATION**

No. ALC/ ADJ/ PUB/ IT/Nagpur/4/05.—in pursuance of section 17 of the Industrial Dispute Act, 1947 (XIV of 1947) *read* with Government Notification, Industry, Energy and Labour Department No. IDA/2002/ 5686/ (2882) Lab-3, dated the 19th August 2003. The Additional Commissioner of Labour, Nagpur hereby publishes the Enclosed Award of the Industrial Court, Nagpur referred for adjudication by the Additional Commissioner of Labour, Nagpur in reference ADJ/2/2000 in the Industrial Dispute between M/s. Vidarbha Tyre and Rubber Manufacturing Company, Kalmeshwar, Dist. Nagpur and Nagpur Vidarbha Tyre and Manufacturing Kamgar Sangh Kalmeshwar, Dist. Nagpur.

BEFORE THE INDUSTRIAL TRIBUNAL, NAGPUR

PRESIDED BY SHRI M. G. GIRATKAR, B.A., LL.B

REFERENCE (IT) No. 2 OF 2000.— Adjudication between M/s. Vidarbha Tyre and Rubber Company Manufacturing, Kalmeshwar, Dist. Nagpur— *Party No. 1.— And Their workmen.— Party No. 2—*represented by Vidarbha Tyre and manufacturing Kamgar Sangh, M.I.D.C., Kalmeshwar, Dist. Nagpur.

IN THE MATTER OF REFERENCE UNDER SECTION 10(1) (d) READ WITH SECTION 12(5) OF THE INDUSTRIAL DISPUTES ACT, 1947.

*Appearances.*— Both Parties are absent.

**Award**

(Passed on 24th February 2005)

This is a reference made by the Commissioner of labour, Maharashtra State, Mumbai in exercise of powers under Section 10(1) read with Section 12(5) of the Industrial Disputes Act, 1947, for adjudication of an industrial dispute between the parties over the demands set out in the Schedule below the reference order dated 10th January 2000.

2. On receipt of reference, notices were issued to the parties. Party No. 2 appeared but failed to file the statement of claim. The matter was adjourned from time to time to file statement of claim. Party no. 2 in absent since long and did not file the statement of claim. Reference pertains to the year 2000. It, therefore, appears that the Party No. 2 is not interested in prosecuting the reference. In the circumstances, reference has to be answered in the negative. Hence, I pass the following award.

**Award**

Reference is answered in the negative with no order as to costs.

Nagpur,

Dated the 24th February 2005.

M. G. GIRATKAR,

Presiding Officer,

Industrial Tribunal, Nagpur.

Additional Commissioner of Labour,  
Nagpur.

**उद्योग, ऊर्जा व कामगार विभाग**

मादाम कामा रोड, हुतात्मा राजगुरु चौक, मंत्रालय, मुंबई ४०० ०३२, दिनांक २५ फेब्रुवारी २०१६

**अधिसूचना****औद्योगिक विवाद अधिनियम, १९४७.**

क्रमांक औविअ-१०२०१२/प्र.क्र. १८५/काम-२.—ज्याअर्थी महाराष्ट्र शासनाची अशी खात्री झालेली आहे की, सार्वजनिक हितार्थ खाली नमूद केलेल्या परिशिष्टातील उद्योगाची सेवा (येथून पुढे परिशिष्ट असे संबोधिले) औद्योगिक विवाद अधिनियम, १९४७ (१९४७ चा १४) च्या प्रयोजनार्थ लोकोपयोगी सेवा म्हणून घोषित करणे आवश्यक आहे.

२. त्याअर्थी, महाराष्ट्र शासन औद्योगिक विवाद अधिनियम, १९४७ कलम २ चे उप-कलम (एन) (६) (अधिनियमांची अनुसूची एकसह वाचावे) अन्वये प्रदान केलेल्या शक्तींचा वापर करून परिशिष्टातील उद्योगाची सेवा उक्त अधिनियमाच्या प्रयोजनार्थ ही अधिसूचना निर्गमित केल्याच्या दिनांकापासून पुढे सहा महिन्यांच्या कालावधीसाठी “ लोकोपयोगी सेवा ” म्हणून घोषित करित आहे.

**परिशिष्ट**

अनु. क्रमांक	आस्थापनेचे नाव	औद्योगिक विवाद अधिनियम, १९४७ च्या अनुसूची १ मध्ये दर्शविलेल्या आणि त्यात सुधारणा केलेल्या उद्योगाचे नाव
(१)	(२)	(३)
१	मे. रिलायन्स इंडस्ट्रिज मॅन्युफॅक्चरिंग लिमिटेड, डिक्विजन, नागोठाणे, ता. रोहा, जि. रायगड.	ओ.एन.जी.सी. च्या गॅस प्रोसेसिंग युनिटमधून येणाऱ्या फिड स्टॉक आणि लिन गॅसवर प्रक्रिया करणे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

**बाळासाहेब कोळसे,**  
शासनाचे सहसचिव.

**INDUSTRIES, ENERGY AND LABOUR DEPARTMENT**

Madam Kama Road, Hutatma Rajguru Chowk, Mantralaya

Mumbai 400 032. dated the 25th February 2016

**NOTIFICATION**

INDUSTRIAL DISPUTES ACT, 1947.

No. IDA-102012/CR-185/Lab.— Whereas the Government of Maharashtra is satisfied that in the public interest, the services in the Industry specified in the Schedule appended hereto (hereinafter referred to as the Schedule) should be declared as “Public Utility Service” for the purposes of the Industrial Disputes Act, 1947 (14 of 1947).

2. Now, therefore, in exercise of the powers conferred by sub-clause (vi) of the clause(n) of Section 2 of the aforesaid Act read with the first Schedule thereto, the Government of Maharashtra hereby declares that the services in the Industry mentioned in the Schedule appended hereto, to be “Public Utility Service” for the purposes of the aforesaid Act, for a period of six months from the date of the issue of this notification.

*Schedule*

Sr. No.	Name of the Establishment	Name of the Industry <i>vide</i> First Schedule of the Industrial Disputes Act, 1947 as mentioned from time to time.
(1)	(2)	(3)
1	Ms. Reliance Industries Limited, Nagothane Manufacturing Division, Nagothane, Tal-Roha, Dist. Raigad, Maharashtra.	Processing of feed stock and lean gas received from O.N.G.C. gas Processing Unit.

By order and in the name of the Government of Maharashtra,

**BALASAHEB KOLASE,**  
Joint Secretary to Government.

**औद्योगिक न्यायालय, महाराष्ट्र, मुंबई**

प्रशासकीय इमारत, पहिला मजला, शासकीय वसाहत, चेतना कॉलेज जवळ, वांद्रे (पूर्व), मुंबई ४०० ०५१.

- वाचा.—** (१) उद्योग, ऊर्जा व कामगार विभाग, शासन निर्णय क्र. आयसीई/०३११/प्र.क्र. ३५/कामगार-६, दिनांक २१ एप्रिल २०१२.  
 (२) उद्योग, ऊर्जा व कामगार विभाग, शासन निर्णय क्र. आयसीई/०३११/प्र.क्र. ३५/कामगार-६, दिनांक ४ फेब्रुवारी २०१४.  
 (३) या कार्यालयाचे आदेश क्र. औन्यामुं/आस्था-१/३३३, दिनांक १२ फेब्रुवारी २०१४.  
 (४) उद्योग, ऊर्जा व कामगार विभाग, शासन निर्णय क्र. आयसीई/०३११/प्र.क्र. ३५/कामगार-६, दिनांक २५ फेब्रुवारी २०१५.  
 (५) या कार्यालयाचे आदेश क्र. औन्यामुं/आस्था-१/७३४, दिनांक ५ जून २०१५.  
 (६) उद्योग, ऊर्जा व कामगार विभाग, शासन निर्णय क्र. आयसीई/०३११/प्र.क्र. ३५/कामगार-६, दिनांक १४ ऑगस्ट २०१५.  
 (७) या कार्यालयाचे आदेश क्र. औन्यामुं/आस्था-१/१४५३, दिनांक ५ ऑक्टोबर २०१५.  
 (८) उद्योग, ऊर्जा व कामगार विभाग, शासन निर्णय क्र. आयसीई/०३११/प्र.क्र. ३५/कामगार-६, दिनांक १५ फेब्रुवारी २०१६.

**आदेश**

क्रमांक औन्यामुं/आस्था-१/३३१.—उद्योग, ऊर्जा व कामगार विभाग शासन निर्णय क्र. आयसीई/०३११/प्र.क्र. ३५/कामगार-६, दिनांक १५ फेब्रुवारी २०१६ अन्वये खाली नमूद केलेल्या ३ अधिकाऱ्यांच्या “सहाय्यक प्रबंधक” **राजपत्रित** (गट-ब) या पदावरील तदर्थ पदोन्नतीस खालील तक्त्यातील स्तंभ क्र. ४ मध्ये दर्शविलेल्या दिवसाचा तांत्रिक खंड देऊन स्तंभ क्र. ५ मध्ये दर्शविलेल्या दिनांकापासून ११ महिन्यांकरिता किंवा महाराष्ट्र लोकसेवा आयोगाची मान्यता मिळेपर्यंत किंवा संबंधितांच्या सेवानिवृत्ती यापैकी जे अगोदर घडेल तोपर्यंत मंजुरी देण्यात आली आहे :—

अनु- क्रमांक	नाव	११ महिने पूर्ण झाल्याचा दिनांक	तांत्रिक खंड	पासून मुदतवाढ
(१)	(२)	(३)	(४)	(५)
१	श्री. के. पी. पवार, सहाय्यक प्रबंधक, औद्योगिक न्यायालय, औरंगाबाद.	४ जानेवारी २०१६	५ जानेवारी २०१६ (मंगळवार)	६ जानेवारी २०१६
२	श्रीमती एस. पी. हंजनकर, सहाय्यक प्रबंधक, औद्योगिक न्यायालय, मुंबई.	४ जानेवारी २०१६	५ जानेवारी २०१६ (मंगळवार)	६ जानेवारी २०१६
३	श्री. एस. एम. कटके, सहाय्यक प्रबंधक, औद्योगिक न्यायालय, कोल्हापूर.	४ जानेवारी २०१६	५ जानेवारी २०१६ (मंगळवार)	६ जानेवारी २०१६

उपरोक्त शासन निर्णयास अनुसरून अध्यक्ष, औद्योगिक न्यायालय, महाराष्ट्र, मुंबई (विभाग प्रमुख) हे खाली दर्शविलेल्या ३ अधिकाऱ्यांना उपरोक्त स्तंभ क्र. ४ मध्ये दर्शविलेल्या दिवसाचा तांत्रिक खंड देऊन त्यांना “सहाय्यक प्रबंधक” **राजपत्रित** (गट-ब) या पदावर स्तंभ क्र. ५ वर दर्शविण्यात आलेल्या दिनांकापासून ११ महिन्यांच्या कालावधीकरिता किंवा महाराष्ट्र लोकसेवा आयोगाची मान्यता मिळेपर्यंत किंवा संबंधितांच्या सेवानिवृत्ती यापैकी जे अगोदर घडेल तोपर्यंत खालीलप्रमाणे त्यांच्या नावासमोर स्तंभ क्र. ४ मध्ये दर्शविलेल्या ठिकाणी पदोन्नतीने नियुक्ती करण्यास मंजुरी देत आहे.

अनुक्रमांक	नाव	सध्याचे पद	नियुक्ती पद
(१)	(२)	(३)	(४)
१	श्री. के. पी. पवार,	न्यायालय लिपीक, औद्योगिक न्यायालय, औरंगाबाद.	सहाय्यक प्रबंधक, औद्योगिक न्यायालय, औरंगाबाद.
२	श्रीमती एस. पी. हंजनकर,	न्यायालय लिपीक, औद्योगिक न्यायालय, मुंबई.	सहाय्यक प्रबंधक, औद्योगिक न्यायालय, मुंबई.
३	श्री. एस. एम. कटके,	न्यायालय लिपीक, कामगार न्यायालय, कोल्हापूर.	सहाय्यक प्रबंधक, औद्योगिक न्यायालय, कोल्हापूर.

**अनंत रा. महाजन,**

अध्यक्ष,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

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